PROSPERED

PROSPERED Policy Databases – Minimum Age for Marriage Policy

INTRODUCTION

To assess changes in national policies over time and their effects on health outcomes, McGill University's PROSPERED team (called the MACHEquity project prior to 2017) collected longitudinal information dating back to 1995 on maternity leave, breastfeeding, child marriage and minimum wage policies in 121 countries that have been surveyed by either the Demographic and Health Surveys (DHS) or the Multiple Indicator Cluster Surveys (MICS) at least once between those dates.

Scope: For the minimum age and minimum age with parental consent variables, longitudinal data is available for every year between 1995 and 2012 for the 121 countries that have been surveyed by either the Demographic and Health Surveys (DHS) or the Multiple Indicator Cluster Surveys (MICS) at least once between those dates.

Variables on other exceptions to minimum age of marriage and variation due to customary and religious laws are not available for the years 1995 to 1998.

Last update: May 2022

Data Sources

Original national legislation was our preferred primary source of data; full-text copies of relevant legislation, in addition to information on amendments and repeals, were located mainly through the ILO's NATLEX. When full-text legislation was not available through NATLEX, researchers located laws through national government websites, the World Bank's Women, Business and the Law website the legislation library Lexadin, and the World Legal Information Institute. In some cases, hard copies of legislation were obtained from the McGill University library.

If primary sources were not available, secondary sources such as national reports on policies and laws to the UN and to official global and regional bodies were used instead, after a review of their reliability and of the consistency and comparability of their methodology across countries.

For the child marriage database, the following secondary sources were consulted to clarify or complement information available through primary sources:

• Reports submitted by countries to the monitoring committees of the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), as well as additional reports detailing the committees' concluding observations.

Coding Process

Coding is the process by which an individual researcher takes a piece of information from legislation, policy, or any other source and translates it into a set of characteristics that can be quantitatively analyzed. For each country, two researchers from our multilingual team coded data sources independently according to pre-defined coding rules and compared their results to ensure accuracy. Whenever coding required a judgment call by the coder, the rules underlying such decisions regarding complicated cases were systematically discussed, described in a coding manual and applied consistently across countries. Coding was conducted in the original language of the document by team members fluent in the language; when this was not possible, we used a version translated into one of the official UN languages.

Building of Longitudinal Databases

To code our databases, we first started with cross-sectional 2012 policy databases developed collaboratively by MACHEquity and the University of California, Los Angeles (UCLA) WORLD Policy Analysis Center (WORLD). Second, we reviewed the date of the sources used; when a national law used in the 2012 databases had been enacted before 1995 and had not been amended or repealed since, it was assumed that its provisions remained applicable from 1995 through 2012. The same text was therefore used to code all variables for that particular country between 1995 and 2012.

When a national law used to code the 2012 databases was enacted sometime between 1995 and 2012, the same text was used to code variables in the years after the law was enacted, and researchers then searched for the legislation that was in force in the preceding years. All variables between 1995 and that later law were coded using the original full-text prior legislation. The most current and in-force laws were always located first, and changes in legislation were thereafter traced back to 1995.

Limitations

Our databases focus on national policies and therefore do not capture subnational differences or policies based on collective agreements available to subgroups of employees. In addition, our databases record the existence of policies and not their level of implementation. To our knowledge, there is currently no global source providing historical data or comprehensive information on implementation of policies.

Although our team makes every effort to assure the accuracy of the data, we realize that mistakes are possible due to human error or data omissions while coding. If you find an error in our databases, we ask that you contact us to report it and provide any available documentation through which the error can be verified and corrected.

VARIABLE DESCRIPTIONS

Variable Name

minagemar_f_YEAR#

minagemar_m_YEAR#

Variable Description

What is the minimum age at which a female (f) or male (m) child can marry?

The indicator captures the minimum age at which a person can marry. Many countries may lower this general minimum age with certain conditions such as parental consent, court or other governmental decision. This indicator does not take into account such exceptions.

98 = The law mentioned puberty as the legal age of marriage.

0 = No minimum age is specified in the law.

-2 = In this case, applies to countries that were not independent entities that year.

-9 = Missing data

Variable Name

minagemar_parent_f_YEAR#

minagemar_parent_m_YEAR#

Variable Description

What is the minimum age at which a female (f) or male (m) child can marry when parental consent exception to the general minimum age is considered?

Indicator captures cases when the minimum age of marriage is legally lowered if parental consent is given. If such an exception to the general minimum age of marriage is not allowed, this indicator shows the general minimum age of marriage.

98 = The law mentions puberty as legal age of marriage with parental consent.

0 = When parental consent is given, the law allows marriage at any age, i.e. no minimum age of marriage.

99 = The law does not allow for exceptions to legal minimum age by parental consent. We suggest treating these cases as if *minagemar_parent_YEAR# = minagemar_f_YEAR#*

-2 = This case applies to countries that were not independent entities that year.

-7 = Not applicable. This case applies to countries that already do not have specific minimum age hence there is no exceptional lower age through parental consent.

-9 = Missing data

Variable Name

minagemar_except1_f_YEAR#

minagemar_except1_m_YEAR#

Variable Description

Only available for years 1999-2012

What is the minimum age at which female (f) or male (m) child can marry when other exceptions to general minimum age are considered?

Indicator captures cases when the minimum age of marriage is legally lowered if other exceptions, in most cases a permit from governmental, legal or similar authority, taken into consideration.

98 = The law mentioned puberty as legal age of marriage with such exception.

0 = The law allows marriage at any age, i.e. no minimum age of marriage.

99 = The law does not allow for exceptions to legal minimum age by other exceptions. We suggest treating these cases same as if *minagemar_except1_f_YEAR#* = *minagemar_f* or *minagemar_parent_f* as the case may be.

-2 = This case applies to countries that were not independent entities that year.

-7 = Not applicable. This case applies to countries that already do not have specific minimum age hence there is no exceptional lower age.

-9 = Missing data

Variable Name

mar_exceptions1_f_YEAR#

mar_exceptions1_m_YEAR#

Variable Description

Only available for years 1999-2012

What type of exceptions (additional requirements) allow a female (f) or male (m) child to marry at this lower age?

This variable captures whether legal minimum age of marriage can be lowered in case of pregnancy, or conditional upon approval by a court or other governmental authority or both. The values are separated by a comma ",". The age that they can marry when these conditions are met is recorded under variable *minagemar_except1_f_YEAR#.*

2 = Court or other governmental authority can allow marriage at this lower age.

4 = Lower age of marriage is allowed only in case of pregnancy or birth.

2, 4 = Court or other governmental authority can lower minimum age of marriage only in case of pregnancy or birth.

-7 = Not applicable. Applies to countries that already do not have specific minimum age hence there is no exceptional lower age OR countries that were not independent entities in that year (i.e. corresponding *minagemar_except1_f_YEAR#* is "-2")

-9 = Missing data

99 = No exceptions are mentioned. See notes for *minagemar_except1_f_YEAR#*

Example of coding: Ethiopia, "Article 7. 1) Neither a man nor a woman who has not attained the full age of eighteen years shall conclude marriage. 2) Notwithstanding the provisions of Sub-Article (1) of this Article, the Minister of Justice may, on the application of the future spouses, or the parents or guardian of one of them for serious cause, grant dispensation of not more than two years.

Coding: *mar_exceptions1_f_YEAR#* = 2

   minagemar_except1_age_YEAR# = 16

Cautions:

- The database currently lumps together various exceptions to minimum age requirements (such as authorization from local courts, authorization from courts in general, judge's decision, presidential or ministerial decree) under the same category as "court or other governmental approval." After a thorough review we concluded that we could not tell whether one exception offered more protection than the other without knowing the implications on the ground.

- If the law mentions that marriage at a younger age is permissible in exceptional circumstances or similar, we do not consider this automatically to be an exception as it is not a strong protection against child marriage. If the law allows for a lower minimum age in exceptional circumstances but also requires parental consent, we have recorded this lower age under minimum age with parental consent variable (*minagemar_parent).* If a court decision or governmental approval is also needed together with parental consent to lower the age of marriage in exceptional circumstances we have recorded this age in *minagemar_except1_age.*

- Similarly, the law may specify certain conditions for the court or the government authority to consider when allowing a lower age of marriage, such as the interest of the child or his/her parents' consent. We have collected data on these additional

conditions but did not include them in this dataset. Please contact us if you are interested in these additional variables.

Variable Name

minage_var_f_YEAR#

minage_var_m_YEAR#

Variable Description

Only available for years 1999-2012

How does the minimum age for marriage vary?

This variable combines all applicable variations to minimum age of marriage that are legislated. The values are separated by a comma ",". The youngest age according to the listed variations is captured under *minagemar_var_youngest_age_f/m_YEAR#*.

0 = Does not vary

2 = By religion

3 = By customary law

-7 = Not applicable. Applies to countries that already do not have specific minimum age hence there is no exceptional lower age OR countries that were not independent entities in that year (i.e. corresponding *minagemar_x_YEAR#* is "-2")

-9 = Missing data

99 = Not mentioned

Cautions:

> • Most statutory laws are silent on the status of customary marriages. In this variable we only capture if the statutory law explicitly or implicitly allows for a different age of marriage for customary or religious marriages. If the law does not mention such an exception, we simply code it as "none mentioned" but this should not be interpreted as early marriages according to custom or tradition are not taking place or are not a cultural norm.

> • Currently we do not have any variables on whether early marriages are criminalized or whether the statutory law prevails over other types of law. However if the statutory law clearly states that it prevails over all other types of law, we capture that either as "none mentioned" or "does not vary" (i.e. consider that to be a strong evidence that exceptional age requirements based on customary or religious laws are not legal.) Whether we code "none mentioned" or "does not vary" depends on additional evidence about customary or religious marriages.

• Compared to legislation, the CRC/CEDAW reports have more information on the age of marriage according to customary laws but they do not always clarify the hierarchy between customary and statutory laws. As a result, countries for which coding is more dependent on these reports rather than legislation may be over-represented in variation. About 30% of our data relies more heavily on CRC/CEDAW reports but as we usually combine various sources of information, it is not possible to identify these countries.

• There are some countries where the line between statutory and religious law may be blurry. For some countries, we used written religious laws as the main statutory law because all personal law seemed to be under the jurisdiction of religious law.

•This variation can also refer to cases where subnational groups such as religious minorities are subject to their own religious or customary laws.

Variable Name

minage_var_youngest_age_f_YEAR#

minage_var_youngest_age_m_YEAR#

Variable Description

Only available for years 1999-2012

What is the youngest age at which a female (f) or male (m) child can marry according to the variations listed in the previous variable (*minage_var_f/m_YEAR#)*?

It's possible to have more than one reason for variation in age requirements but the age entered here is always going to be the lowest permissible by any type of law or region.

98 = Puberty

99 = Not mentioned

0 = No explicit minimum age

-7 = Not applicable. Applies to countries that already do not have specific minimum age hence there is no exceptional lower age OR countries that have "does not vary" coded in *minage_var_x_YEAR#.*

-9 = Missing data

-2 = Country does not exist as an independent entity (in that year)

Cautions:

• Re missing data: If the minimum age for marriage is unclear based on legislation, the sources are contradicting each other or if we find no data for the entire country we code it -9. Note that if *minage_var_x_YEAR#* has values other than -9, then it means

there is variation to minimum age based on religion or customary law, however we are not sure what the exceptional age is and we are lacking enough evidence to code as no minimum age.

• Please, see "Cautions" section under *minage_var_x_YEAR#*