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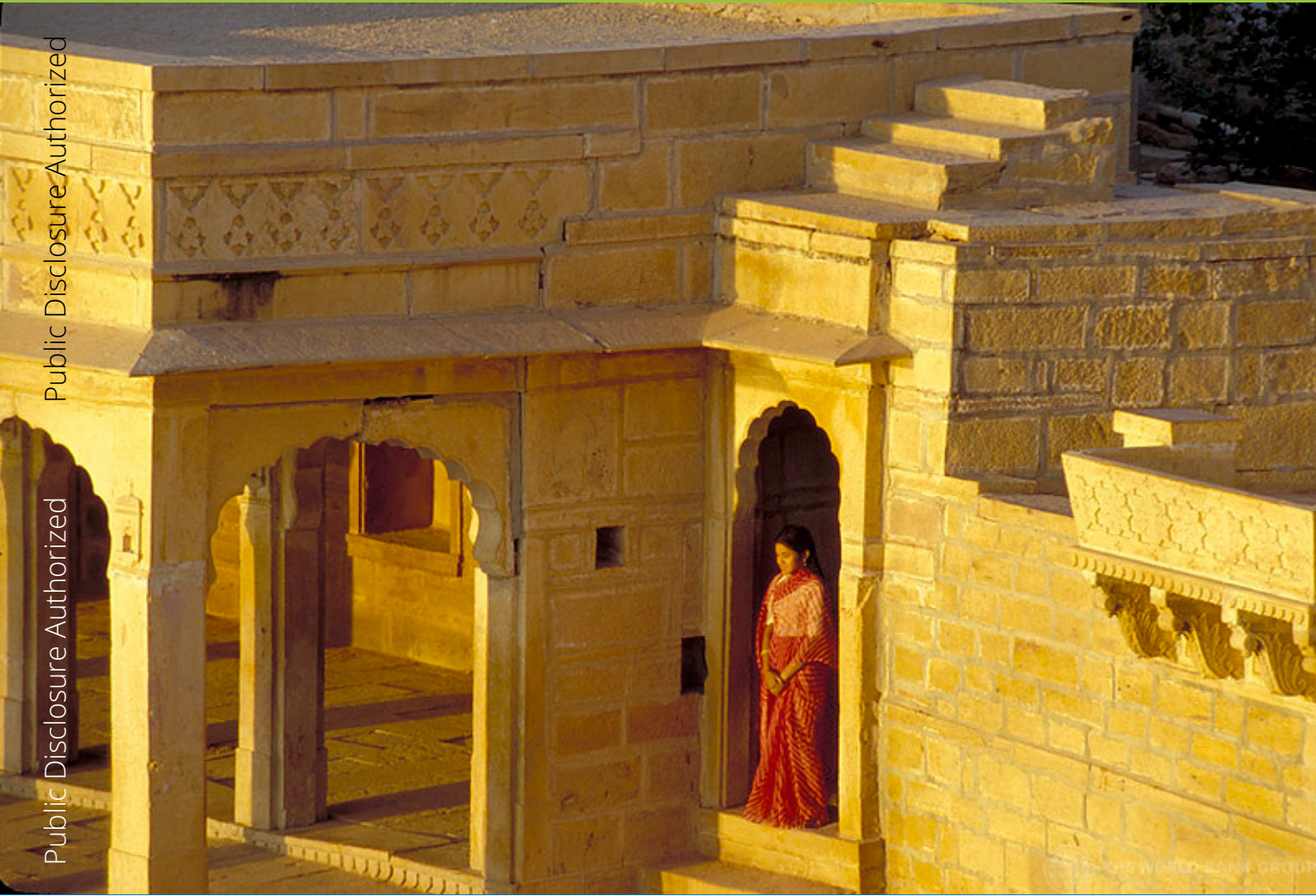


EMPOWERING WOMEN  
BY BALANCING THE LAW

# Compendium of International and National Legal Frameworks on Child Marriage

SECOND EDITION, JUNE 2022

Volume IV of VI





COMPENDIUM OF INTERNATIONAL AND NATIONAL LEGAL FRAMEWORKS ON  
CHILD MARRIAGE

**COMPENDIUM OF INTERNATIONAL AND NATIONAL  
LEGAL FRAMEWORKS ON CHILD MARRIAGE**

**Volume IV of VI**

**JUNE 2022**

**THE WORLD BANK GROUP**

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### **Cover Photo**

Woman in doorway. India. © Photo: World Bank / Curt Carnemark.

This compendium – developed in the framework of the Empowering Women by Balancing the Law (EWBL) initiative of the Legal Vice Presidency of the World Bank – is a working document intended as reference tool for anyone interested in the topic of child marriage (development practitioners, lawyers, community leaders, academics, researchers, students, etc.). It does not constitute an exhaustive treatment of the legal framework on child marriage and may be updated from time to time.

COMPENDIUM OF INTERNATIONAL AND NATIONAL LEGAL FRAMEWORKS ON  
CHILD MARRIAGE

**Volume IV of VI**

**This Compendium on Child Marriage is divided in VI volumes.  
Each volume should be observed as part of the whole.**

## ACKNOWLEDGMENTS

The initial idea for this compendium came out in 2016 of a collaboration between the Legal Vice Presidency and the Education Global Practice at the World Bank on the role of law to end child marriage. The discussions took place within the context of a global study being conducted by the World Bank and the International Center for Research on Women on the economic and social costs of child marriage with funding from the Bill and Melinda Gates Foundation and the Children Investment Fund Foundation, as well as additional support from the Global Partnership for Education under a grant for work on out of school children.

In 2022, the Empowering Women by Balancing the Law (EWBL) initiative of the Legal Vice Presidency of the World Bank decided to update and upgrade the first edition of the Compendium. The EWBL aims to advance gender equality through substantive legal contributions to promote gender inclusivity in the law. It is rooted in the conviction that gender equality and equity under the law are preconditions for enabling women's full participation in society and for countries to achieve tangible development outcomes. However, to date, billions of women and girls worldwide face systemic barriers due to outdated and discriminatory laws that hinder their rights and opportunities.

We wish to thank the following organizations and individuals for their outstanding contribution, assistance, and guidance on this project.

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## FOREWORD

Millions of women around the world continue to experience violence because of their gender. Gender-based violence (GBV) is a pandemic that is often intractable and knows no boundaries.

The United Nations Declaration on the Elimination of Violence Against Women states that “violence against women is a manifestation of historically unequal power relations between men and women” and that it is “one of the most crucial social mechanisms by which women are forced into a subordinate position compared with men”. This violence comes in many forms and includes child marriage, female genital mutilation, intimate partner violence, sexual violence during conflict, and sexual harassment among others.

The marriage of children, which affects girls overwhelmingly, is widely recognized in international and regional agreements as an extreme violation of a number of fundamental human rights. It is directly addressed as a development issue by the international community within UN Sustainable Development Goal (SDG) 5.3 “to eradicate all harmful practices such as early and forced marriage and female genital mutilation”. UNICEF estimates that 25 million child marriages have been prevented over the last decades thanks to multisectoral efforts. Still, today, 21% of girls are married before their 18th birthday—that is 1 in 5 girls in the world—and UNICEF estimates that at the current rate of efforts, more than 110 million girls will be married during their childhood before 2030.

Child marriage affects not only millions of women and girls in the world directly, but the practice also drastically impacts the development of entire societies. Child marriage is correlated with other forms of GBV such as female genital mutilation and sexual abuse, lower rates of school participation and educational achievement for girls, weaker health outcomes, higher incidence of domestic violence, lower rates of female labor force participation, higher rates of poverty and wider gaps of inequalities.

This Compendium has been developed with the conviction that for economies to reach peaceful, just and inclusive societies, they must accelerate action towards enacting and promoting enforcement of gender equality legislation, including the prohibition of child marriage. The law can be an extremely effective empowerment tool: it condemns practices that are no longer tolerated in society and protects the rights of those who in the absence of the law would otherwise be victims of intersectional forms of discrimination. For justice and the rule of law to work, better knowledge of the law, better promotion of the law and better law enforcement are crucial.

We hope that this Compendium can participate in the protection of women and girls’ fundamental rights and the promotion of strong, peaceful, and just societies, as well as to the achievement of our mission to end poverty and promote shared prosperity.

June 15, 2022

J. Clifford Frazier  
Interim Senior Vice President and Group General Counsel



## **DISCLAIMERS AND LIMITATIONS**

This Compendium is based on information on international and regional instrument on child marriage as well as domestic law, regulation, and policy as they relate to child marriage and as available online, offline, or both, based on information collected from research conducted, verified, and updated up to June 2022. Because this Compendium is carried out primarily based on information publicly available online, it has more than several hundred URLs and links to publicly available laws, regulations, and electronically published documents. Links to international and regional treaties, agreements, conventions, and other documents are hyperlinked in the title of said treaty, agreement, convention or other document. Similarly, links to national legislations are hyperlinked in the title of said legislation. All referenced URLs and links were checked at the time when they were inserted into the footnotes or in the hyperlinks. There is no guarantee as to their future accessibility. There is also no guarantee as to the continued accuracy of any information included in this Compendium after the last date on which it was verified. The findings, interpretations, and conclusions expressed in this work do not necessarily reflect the views of The World Bank.

This Compendium is limited to 194 countries (54 countries in Africa; 44 countries in Asia; 14 countries in Oceania; 23 countries in North and Central America ; 12 countries in South America ; 47 countries in Europe).

***"I'll Marry When I Want."***

***I'll marry when I want.***

***My mother can't force me to marry.***

***My father cannot force me to marry.***

***My uncle, my aunt, my brother or sister, cannot force me to marry.***

***No one in the world can force me to marry.***

***I'll marry when I want.***

***Even if you beat me, even if you chase me away, even if you do anything bad to me, I'll marry when I want.***

***I'll marry when I want, but not before I am well educated, and not before I am all grown up.***

***I'll marry when I want.***

Eileen Piri, 13 years old, Malawi<sup>1</sup>

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<sup>1</sup> Extracted from TED Talk of Memory Banda, Memory Banda, A warrior's cry against child marriage, July 2 2015 available at [http://www.ted.com/talks/memory\\_banda\\_a\\_warrior\\_s\\_cry\\_against\\_child\\_marriage/transcript](http://www.ted.com/talks/memory_banda_a_warrior_s_cry_against_child_marriage/transcript)

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## [ASIA](#)

### AFGHANISTAN

#### [Constitution, 2004](#)

##### Article 54

The state adopts necessary measures to ensure physical and psychological well-being of family, especially of child and mother, upbringing of children and the elimination of traditions contrary to the principles of sacred religion of Islam.

#### [Civil Code, 1977](#)

##### Topic 6 — Marriage

Article 60: Marriage is a contract that legalizes relationship between man and woman with the aim of forming a family and establishes rights and duties of the parties.

Article 66: The marriage contract shall be concluded with explicit offer and acceptance, in a single meeting, that denotes immediacy and permanency, without time limit.

Article 70: Capacity to marry shall be complete when males attain 18 and females 16 years.

Article 71: (1) Marriage contract of a girl who has not attained the age mentioned in Article (70) of this Law may only be concluded by her competent father or competent court.

(2) Marriage contract of minor girls under 15 years old are not permissible by no means.

Article 72: (1) It is permissible to appoint an agent for marriage contract.

(2) The agent may not marry his principal to himself, unless this is explicitly stated in the agency contract.  
[...]

Article 76: In case the parties to the marriage contract are under guardianship of a single person, based on their ascendancy, Sharia or agency, the guardian alone may offer and accept on behalf of both parties, provided that legal conditions of the contract are observed.

Article 77: The following conditions are essential for validity and enforceability of marriage contracts:

- 1 – Performance of correct offer and acceptance by the parties their guardians or their agents.
- 2 – Presence of two competent witnesses.
- 3 – Absence of permanent or temporary legal impediment between the marrying male and female.

Article 78: Judge shall be the guardian of persons without guardian.

Article 80: Marriage contract of major and discerning girl without the agreement of her guardian shall be effective and binding.

Article 133: Cases mentioned in Article (132) of this Law that causes rescission of marriage are as follows:

- 1 – Disruptions at the time of conclusion of marriage contract arise from the following causes:

a – Lack of one of the validity conditions of marriage contract. [...]

Article 134: (1) Rescission of marriage contract in both cases mentioned in Article (133) of this Law shall happen upon final ruling by the competent court.

(2) Rescission of marriage contract on the basis of the causes mentioned in the second Item of the mentioned Article shall also be permissible upon consent of the spouses, without a court ruling.

#### [Law on Marriage, 1971](#)

#### CHAPTER ONE: GENERAL PROVISIONS

ARTICLE 1: A marriage proposed and accepted by willing parties should be made in the presence of witnesses in accordance with the provisions of the honorable Sharia (Islamic law). The wedding ceremony is invalid if it is done according to custom and tradition prior to the marriage contract.

ARTICLE 3: The marriage of a bride and groom who have not reached the age of maturity, cannot be considered a marriage. The age of the groom is fixed by his identity card. For the age of the bride, the court will take into account the information given by the bride or her parents.

ARTICLE 7: If the marriage certificate appears or is proved to be a forgery, the marriage certificate is invalid and the personal witnesses, representatives and certifiers shall be subject to punishment.

ARTICLE 8: In case court officials contribute to the arrangement of a forged marriage certificate, in addition to the legal punishment, they will be dismissed from the government service.

ARTICLE 15: No one, including the relatives of the bride, may, for the purpose of marriage, ask or receive under any title any cash or goods from the groom or his relatives. If such an act is done, those who commit it shall be pursued and punished according to the provisions of law. [...]

ARTICLE 19: A marriage contract for a minor, in the absence of the permission of a Sharia wali (custodian) or a legal marriage certificate, is not valid.

ARTICLE 20: Whenever the wali of the bride or bridegroom has a bad moral reputation and the marriage is not of foreseeable benefit to the minor boy or girl, the marriage is not to be held. If the marriage of the minor boy or girl is for the material use of the wali, the marriage contract is invalid.

ARTICLE 21: A marriage contract cannot be taken in lieu of debt or bud (blood money). [...]

#### [Law on the Elimination of Violence against Women, 2009](#)

Objectives: Article 2

This law has the following objectives:

[...]

2. Protecting the well-being of the family and fighting against customs, traditions and practices that cause violence against women contrary to the provisions of religion of Islam.

[...]

6. Prosecuting perpetrators of violence against women.

Terms: Article 3

The following terms in this law have the following meanings:

1. Woman: An adult or underage female.
2. Violence: committing those acts mentioned in Article 5 of this law that causes damage to the personality, body, property or soul of woman. [...]
4. Baad: Marrying a woman to someone as blood price or to achieve peace linked to murder, sexual violence or other circumstances to observe indecent customs and traditions.

Instances of violence: Article 5

Commission of the following acts shall be deemed as violence against women:

[...]

10. Forced marriage
11. Prohibition of the right to marry or to choose a husband
12. Marriage before the legal age

The Rights of Victim:

Article 6

The victim of violence has the following rights:

1. Prosecution of the offender according to the provisions of law.
2. Access to protective center or safe home or other secure places in agreement with the victim.
3. Free access to emergency health services.
4. Having advocate or legal aid provider.
5. Compensation resulted from the act of violence.
6. Confidentiality related to the matter.
7. Other rights provided in the legislative documents.

Chapter three

Criminal Provisions

[...]

Selling and buying women for Purpose or under the pretext of marriage:

Article 24

A person who sells a woman for the purpose or under the pretext of marriage or purchases a woman or act as intermediary in the process shall, depending on the circumstance, be sentenced to long- term imprisonment not exceeding 10 years.

Baad (Retribution of woman for a murder, blood money etc):

Article 25

1. If a person gives or takes a woman for marriage in retribution for a Baad, the perpetrator shall, depending on the circumstances, be sentenced to long- term imprisonment not exceeding 10 years.
2. In such case under paragraph (1) of this Article, the involved persons (witnesses, counsel, mediator and solemnizer of marriage) shall, depending on the circumstance, be sentenced to a medium-term imprisonment, and the marriage contract shall be considered invalid at the request of the woman, according to the provisions of law.

Forced Marriage:

Article 26

If a person gets a woman engaged or married who has reached the legal marriage age without her consent, the perpetrator shall, depending on the circumstances, be sentenced to medium-term

imprisonment not less than 2 year, and the engagement and marriage is invalid, according to the provision of the law.

Underage Marriage:

Article 28

If a person marries a woman who has not reached the legal marriage age, without considering the provision of Article 71 of Civil Code, the offender shall, depending on the circumstances, be sentenced to mid- term imprisonment of not less than 2 years and the marriage contract shall be cancelled at the request of the woman.

Suspending, Pardoning and Mitigating of Punishment:

Article 42

The punishments of crimes by offenders of violence shall not be postponed, pardoned or mitigated.

### [Law on Protection of Child Rights, 2019](#)

Terminologies

Article Three:

The following terminologies shall be interpreted as follows:

1. Child: a person who has not completed the age of 18.[...]

Prohibition of Child Exploitation

Article Twenty-Two:

(1) Any forms of economic or sexual exploitation of children is prohibited. [...]

Protection of Children Against Kidnapping and Trafficking

Article Ninety-Three:

(1) Kidnapping and trafficking of the child shall be prohibited.

[...]

Prevention of Exploitation and Sexual Misuse

Article Ninety-Six:

Relevant Ministries and governmental and non-governmental organizations are obliged to prevent all forms of sexual exploitation and misuse of children [...]

## AZERBAIJAN

### [Civil Code, 2020 \(as amended\)](#)

#### **Article 28. Civil Legal Capacity of a Natural Person**

[...]

**28.2.** The full civil legal capacity of a natural person begins in its full upon his reaching the adult age of majority, i.e., upon reaching the age of 18.

[...]

**28.6.** Where the law permits marriage before the age of 18, a natural person under the age of 18 acquires full legal capacity upon marriage. Legal capacity acquired upon entering into marriage continues in full even if divorce occurs before the age of 18.



Legal capacity acquired as a result of marriage shall be retained in full even if divorce occurs before the age of eighteen.

**28.7.** Where a marriage is declared invalid, a court may terminate the full legal capacity of a minor husband (or wife) spouse effective from the moment of the court's order. [...]

#### [Family Code, 1999 \(as amended\)](#)

##### **Article 1. Family legislation of the Azerbaijan Republic and its basis**

1.4. In the Republic of Azerbaijan, the legal regulation of marriage and family relations is carried out by the State from a legal point of view, and only a marriage concluded in the relevant executive authority is recognized.

1.5. Religious rites (religious marriage) have no legal relevance. These provisions do not apply to religious marriages concluded before the establishment of the relevant executive authorities [...]

##### **Article 2. The relations regulated by the Family code of the Azerbaijan Republic**

2.3. Marriage is a voluntary union of a man and a woman, registered with the relevant executive authority for the purpose of creating a family.

##### **Article 10. Marriage age**

10.1. The age of marriage in the Republic of Azerbaijan is set at 18 years.

10.2. If there are good reasons, the relevant executive authority of the territory at the place of residence of minors who wish to marry, has the right, at their request, to reduce the age of marriage by no more than 1 year.

##### **Article 11. Conditions for entering into marriage**

11.1. In order to conclude a marriage, a written consent is required, a certificate certifying that the spouses have passed a medical examination, in accordance with [Article 13.3](#) of this Code, and that they have reached marriageable age.[...]

##### **Article 25. Recognition of marriage as invalid**

25.1. Marriage is recognized as invalid in case of violation of the conditions established by [Articles 10-12 and 13.7](#) of this Code, as well as if it is concluded without the intention of one or both parties to create a family (fictitious marriage).

25.2. The recognition of marriage as invalid is carried out in a judicial proceeding.

25.3. The court is obliged, within three days, to send an extract from the decision that has entered into legal force on recognizing the marriage as invalid to the relevant executive authority where the marriage was concluded.

25.4. A marriage declared invalid is considered invalid from the date of its conclusion.

##### **Article 26. Persons entitled to a right to recognition of marriage as invalid**

26.1. The following persons have the right to demand recognition of a marriage as invalid:

26.1.1. a minor spouse, his parents (persons replacing them) or the relevant executive authority , if the marriage is concluded with a person who has not reached marriageable age, and in the absence of permission to enter into marriage before reaching marriageable age, provided for in [Article 10.2](#) of this Code;

26.1.2. in cases of concluded marriage, similar to those provided for in [Article 26.1.1](#) of this Code, and upon reaching the age of majority by the married spouse - only this 18-year-old spouse;

26.1.3. a spouse whose rights are violated by marriage, if the marriage was concluded in the absence of the voluntary consent of one of the parties, that is, as a result of coercion, deceit, delusion or the

impossibility of the person entering into marriage at the time of state registration of marriage to understand the meaning of their actions and manage them; [...]

26.2. When considering a case on invalidating a marriage concluded with a person under the age of marriage, as well as with a person recognized by the court as incapable, the relevant executive authority is engaged in the case.

#### **Article 27. Circumstances nullifying the recognition of marriage as invalid**

27.1. The court may recognize the marriage as valid if, by the time of consideration of the case on recognizing the marriage as invalid, those circumstances that, by virtue of the law, prevented its conclusion, have disappeared.

27.2. The court may dismiss a claim for invalidation of a marriage entered into with a person under the age of marriage if this is required by the interests of the minor spouse, as well as in the absence of his/her consent to the recognition of the marriage as invalid.

#### **Article 28. Consequences of declaring a marriage invalid**

[...]

28.4. The recognition of a marriage as invalid does not affect the rights of children born in such a marriage or within 300 days from the date of recognition of the marriage as invalid.

#### **Article 57. Rights of minor parents**

57.1. Minor parents have the right to live together with their children and take care of their upbringing.

57.2. Unmarried minor parents, in the event of the birth of a child to them and when their motherhood and (or) paternity are established, shall have the right to independently exercise parental rights upon reaching the age of sixteen years. A guardian may be appointed for the upbringing of children of parents under the age of 16.

57.3. Disagreements between the guardian of the child and minor parents are resolved by the body of guardianship and guardianship.

57.4. Minor parents have the right to recognize and challenge their paternity and maternity on a general basis, and also have the right, upon reaching the age of 14, to establish paternity (maternity) in relation to their children in a judicial proceeding.

#### [Criminal Code, 2000 \(as amended\)](#)

#### **Article 176-1. Forcing a woman to marry**

176-1.1. Forcing a woman to marry is punishable by a fine in the amount of two thousand to three thousand manats or imprisonment for up to two years.

176-1.2. The same act committed in respect of a person who has not reached the age of marriage is punishable by a fine in the amount of three thousand to four thousand manats or imprisonment for up to four years. [...]

#### **BAHRAIN**

#### [Family Law, 2017 \(as amended\)](#)

#### **Article (15)**

Guardianship in marriage shall be in accordance with the following order:

1. According to the Sunni jurisprudence:

- a. Father, paternal grandfather, son no matter how low in lineage, full brother, paternal half- brother, son of full brother, son of paternal half-brother, full paternal uncle, half-paternal uncle, son of full paternal uncle, son of half -paternal uncle. The conclusion of a marriage shall be conditional upon obtaining the consent of the woman.
- b. If there are two guardians and are equal in the degree of relationship, either of them may conclude the marriage, and the one permitted by the engaged woman shall be appointed as guardian in the contract. If the two guardians disagreed between themselves and the engaged woman did not appoint either of them, the guardianship shall be transferred to the judge.
- c. If the guardian was absent intermittently, his whereabouts were not known or it was not possible to contact him, the guardianship shall be transferred to the next guardian.
- d. If the guardian prevented the marriage without a legitimate reason, guardianship shall be transferred to the judge.
- e. The judge shall act as a guardian to all those without guardians.

2. According to the Jaafari jurisprudence:

The guardian of a virgin is her father or her paternal grandfather, provided that the conclusion of a marriage shall be conditional upon obtaining her consent. In case of the absence of a father or paternal grandfather, the woman can solely marry herself if she was an adult and sane. There is no guardianship over a sane not virgin woman from a valid marriage.

Article (16)

The guardian shall be a Muslim adult sane male who is not during Ihram for Hajj or Umrah at the time of marrying off a woman under his guardianship.

Article (17)

- a. A guardian may not refrain from marrying off a woman under his guardianship without a legitimate reason.
- b. A guardian may not marry off a woman under his guardianship by force whether she was a virgin or not a virgin, young or old.

According to the Sunni jurisprudence:

- c. A guardian may not marry off a woman under his guardianship to himself except with her consent and the permission of a judge.
- d. A judge may not marry off a woman under his judicial guardianship to himself nor to any of his ascendants or descendants.

Article (18)

The marriage shall be officially notarized. A non-notarized marriage may be proven by one of Sharia methods of proof.

Article (20)

A girl under the age of sixteen years old (Gregorian calendar) may not be married off except with the permission of the Shari'a court after verifying the appropriateness of the marriage.

Article (25)

The spouses shall fulfill the following conditions:

[...]

- b. Their consent to the marriage.

Article (26)

A marriage is concluded by making an offer by one of the contracting parties and the acceptance thereof by the other party. Such offer and acceptance shall be expressed by the free will of both parties in specific Sharia terms, and by understandable gesture or in writing in case of inability to speak, subject to provisions of Article (27) of this Law.

#### Article (27)

An offer and acceptance shall meet the following conditions:

a. They should be reciprocal expressly or implicitly. [...]

#### Article (28)

Subject to the provisions of Articles (20), (21), (22) and (25) of this Law, for a marriage contract to be valid in accordance with the Sunni jurisprudence, it must fulfill the following conditions:

a. Presence and consent of the guardian.

A marriage shall be deemed valid without the involvement of a guardian upon consummation of marriage if the marriage contract is valid in accordance with the law of the land where it was made. If the wife is a Bahraini national, the consent of the guardian must be obtained when legalizing the marriage contract.

b. Presence of the legal number of witnesses.

c. Non-denial of dowry.

#### [Penal Code, 1976 \(as amended\)](#)

(Exoneration by marriage for crimes of rape, sexual assault, or immoral acts)

Art. 353

No penalty shall be inflicted against a person who has committed one of the crimes set forth in the preceding articles if he was subject to a final court judgement before concluding the marriage, such judgement shall be subject to a stay of execution and its penal effects shall cease.

#### BANGLADESH

#### [Child Marriage Restraint Act, 2017](#)

#### 2. Definitions.

In this Act, unless there is anything repugnant in the subject or context

(1) “minor” means, in case of marriage, a person who, if a male, has not completed 21 (twenty-one) years of age, and if a female, has not completed 18 (eighteen) years of age; [...]

(3) “adult” means, in case of marriage, a person who, if a male, has completed 21 (twenty-one) years of age, and if a female, has completed 18 (eighteen) years of age;

(4) “child marriage” means a marriage to which either or both of the contracting parties are minor; [...]

#### 3. Formation of Child Marriage Prevention Committees.

For the prevention of child marriage, the Government may, in such manner as may be prescribed by rules, form Child Marriage Prevention Committees at national, district, upazila and union levels comprising government officials, local people’s representatives, non-government officials and respectable persons at local level and determine the functions of the committees.

4. General powers of certain government officials and local government representatives to prevent child marriage.

Without prejudice to the generality of the provisions of section 5, the Upazila Nirbahi Officer, the Executive Magistrate, the Upazila Women Affairs Officer, the Upazila Social Welfare Officer, the Upazila Primary or Secondary Education Officer, the Officer in Charge of Police Station or the representatives of Local Government shall, upon receiving information about child marriage through a written or oral application made by a person or through any other means, stop the child marriage or may take necessary measures in such manner as may be prescribed by rules to proceed with legal action against such marriage.

5. Injunction against a child marriage and punishment for contravening the injunction.

(1) The Court may, if satisfied, suo-moto or on the basis of a complaint made by a person or on the basis of any information received through any other means, that a child marriage has been arranged or is about to be solemnized, issue an injunction against solemnization of the child marriage.

(2) The Court may, either on its own motion or on the basis of the complainant's application, rescind any order issued under sub-section (1).

(3) Whoever violates the injunction issued under sub-section (1) shall be punished with imprisonment which may extend to 6 (six) months, or with fine which may extend to 10 (ten) thousand Taka, or with both and, in default of payment of the fine, shall be punished with imprisonment which may extend to 1 (one) month.

6. Punishment for making a false complaint.

If any person makes a false complaint under section 5, it shall be an offence, and for making such complaint, he shall be punished with imprisonment which may extend to 6 (six) months, or with fine which may extend to 30 (thirty) thousand Taka, or with both, and in default of payment of the fine, shall be punished with imprisonment which may extend to 1 (one) month.

7. Punishment for contracting a child marriage.

(1) If any adult, male or female, contracts a child marriage, it shall be an offence, and for this, he shall be punished with imprisonment which may extend to 2 (two) years, or with fine which may extend to 1 (one) lakh Taka, or with both, and in default of payment of the fine, shall be punished with imprisonment which may extend to 3 (three) months.

(2) If any minor, male or female, contracts a child marriage, he shall be punished with detention which may extend to 1 (one) month, or with fine which may extend to 50 (fifty) thousand Taka, or with both : Provided that if any case is filed against, or penalty imposed upon, a person under section 8, no punishment shall be imposed upon the aforesaid minor, whether male or female.

(3) In case of trial and punishment under sub-section (2), the provisions of the children Act, 2013 (Act No. XXIV of 2013) shall be applicable.

8. Punishment for parent or others concerned in a child marriage.

Where a minor contracts a child marriage, any person having charge of the minor, whether as parent or guardian or in any other capacity, lawful or unlawful, who does any act to promote the marriage or permits it to be solemnized, or negligently fails to prevent it from being solemnized, shall commit an offence, and for this, be punished with imprisonment which may extend to 2 (two) years but not less than 6 (six) months, or with fine which may extend to 50 (fifty) thousand Taka, or with both, and in default of payment of the fine, shall be punished with imprisonment which may extend to 3 (three) months.

9. Punishment for solemnizing or conducting a child marriage.

If any person solemnizes or conducts a child marriage, it shall be an offence, and for this, he shall be punished with imprisonment which may extend to 2 (two) years but not less than 6 (six) months, or

with fine which may extend to 50 (fifty) thousand Taka, or with both, and in default of payment of fine, shall be punished with imprisonment which may extend to 3 (three) months.

10. Exemption from accusation on condition of initiatives to stop child marriage.

Notwithstanding anything contained in any other provision of this Act, where a child marriage is initiated but not solemnized, and the accused submits, in the manner prescribed by rules, an affidavit or bond stating that he shall not be involved in a child marriage in future and take initiatives to prevent child marriage in his locality, then the court, if it thinks to be fit, may exempt him from the charge framed against him.

11. Punishment of Marriage Registrar for registering a child marriage, cancellation of license.

If any Marriage Registrar registers a child marriage, it shall be an offence, and for this, he shall be punished with imprisonment which may extend to 2 (two) years but not less than 6 (six) months, or with fine which may extend to 50 (fifty) thousand Taka, or with both, and in default of payment of the fine, shall be punished with imprisonment which may extend to 3 (Three) months, and his license or appointment shall be cancelled.

Explanation : For the purpose of this section, "Marriage Registrar" means a Nikah Registrar licensed under the Muslim Marriages and Divorces (Registration) Act, 1974 (Act No LII of 1974) and a Marriage Registrar appointed under the Christian Marriage Act, 1872 (Act No. XV of 1872), the Special Marriage Act, 1872 (Act No. III of 1872) and the Hindu Marriage Registration Act, 2012 (Act No. XL of 2012).

12. Documents to prove age.

For the purpose of proving age of a male or female who is in marriage or intends to contract a marriage, the birth certificate, national identity card, secondary school certificate or an equivalent certificate, junior school certificate or an equivalent certificate, primary school certificate or an equivalent certificate or passport shall be considered as a legal document.

13. Payment of compensation.

(1) Money realized under this Act from imposition of fine shall be paid as compensation to the aggrieved party.

Explanation : For the purpose of sub-section (1), "aggrieved party" means the party of a child marriage who is a minor. (2) Notwithstanding anything contained in sub-section (1), fine realized under sub-section (2) of section 7 shall be deposited to the government treasury.

14. Offences to be cognizable, bailable and non-compoundable.

The offences committed under this Act shall be cognizable, bailable and non compoundable.

15. Procedure of trial.

Trial of an offence under this Act shall be conducted in a summary way and in this behalf, the procedure laid down in Chapter XXII of the Code of Criminal Procedure, 1898 (Act No. V of 1898) shall be applicable.

16. Local inquiry.

Notwithstanding anything contained in any other law for the time being in force, the court may, in case of disposal of a complaint or any proceedings, make local inquiry of its own to ascertain the truth of the incidence, or may direct any government official or any representative of local government or any other person to make such inquiry, and such an inquiry shall have to be completed within 30 (thirty) working days : Provided that if such an inquiry can not be completed within the aforesaid time limit on reasonable grounds, the inquiry shall be completed within an additional period of 15 (fifteen) working days for reasons to be recorded in writing and the court shall be informed thereof in writing.

#### 17. Applicability of Mobile Court Act, 2009.

Notwithstanding anything contained in any other law for the time being in force, the Mobile Court may impose penalty for the offences committed under this Act, subject to inclusion of this Act in the Schedule of the Mobile Court Act, 2009 (Act No. LIX of 2009).

#### 18. Mode of taking cognizance of offences.

No court shall take cognizance of an offence under this Act after the expiry of 2 (two) years from the date on which the offence is alleged to have been committed.

#### 19. Special provision.

Notwithstanding anything contained in any other provision of this Act, if a marriage is solemnized in such manner and under such special circumstances as may be prescribed by rules in the best interests of the minor, at the directions of the court and with consent of the parents or the guardian of the minor, as the case may be, it shall not be deemed to be an offence under this Act. [...]

### [Children Act, 2013](#)

Arts. 2 (17) (definitions), 80 (penalty for exploitation of a child)

## BHUTAN

### [Marriage Act, 1980](#)

#### **Right to marry each other**

Kha 1-2.

Except for the restrictions defined hereinafter in Sections Kha 1-10 and Kha 1-11 wherein marriages are not permitted or are debarred from being contracted, a person has the right to marry any other person, irrespective of status, caste, wealth or appearance, provided the persons contracting the marriage thereof have expressly consented to their marriage.

#### **Restriction on performing marriages of minors**

Kha 1-11.

The traditional performance of marriages between minors as mentioned hereafter in Section Kha 1-14 shall also cease with the enactment of this Act. In contravention of which, the case shall be dealt with in accordance with the provisions laid down hereinafter in Section Kha 8-20.

#### **Restriction on grant of marriage certificate for marriages of minors.**

Kha 1-14.

Consequent to the restrictions on the marriages of minors as stipulated in the aforesaid Section Kha 1-11, no Marriage Certificates shall be granted for marriages performed between a male person not attaining the age of eighteen years and a female not attaining sixteen years as they are considered not to have attained full age. (Amendment to Section Kha 1-2 of THRIMSHUNG 1957).

#### **Imposition of fine for performing child marriages.**

Kha 8-20.

Whereas the performance of child marriages in villages are seemed to be against the laws, the realization of expenses so incurred for performing such marriages shall not be permitted. And where there have been exchanges of any lands, houses, properties, livestock etc. in such marriages, then the person who has

given such properties shall have to take them back, and the persons performing such child marriages in contravention of the prescribed law shall be punished with a fine extending from Ngultrums three hundred to Ngultrums one thousand. Imposition of fines on performing successive child marriages by fraud.

**Imposition of fines on performing successive child marriages by fraud.**

Kha 8-21.

If evidence is furnished of the performance of successive child marriages by resorting to fraudulent means and of the expenses realized thereof, then the offender shall be punished with the fine prescribed in the aforesaid Section Kha 8-20. In addition, the offender by performing successive child marriages by concealing the fact of the child's prior marriages shall be punished with a separate amount of fine.

**BRUNEI DARUSSALAM**

[Marriage Act, 1948 \(as amended\)](#)

**PART I PRELIMINARY**

Citation and application.

1. [...]

(2) This Act shall not apply to marriages contracted according to the usages of Muslims, Hindus, Buddhists, Dayaks and other persons governed by their own laws or customs of marriage which are recognised by Brunei Darussalam law to be valid and effective if one of the parties to such marriage is a member of the race or religion according to whose usages the marriage is contracted.

[...]

Capacity to marry.

3. (1) No two persons shall be capable of contracting a valid marriage unless the following conditions are fulfilled —

(a) both parties to the intended marriage have reached the age of 14 years; [...]

(2) A marriage shall be void unless all the conditions set out in subsection (1) are fulfilled.

Modes of solemnising marriages.

4. (1) Every marriage under this Act shall be solemnised either by a minister of religion or in accordance with section 22.

[...]

Consent requisite in case of minor.

7. (1) If any party to an intended marriage is a minor, the marriage shall not be solemnised unless such minor first obtains —

(a) the consent of the father of such minor;

(b) if the father be dead, or if his consent is not reasonably obtainable, the consent of the guardian of such minor; or

(c) failing such guardian, the consent of the mother (if living) of such minor.

(2) If the person whose consent is required is of unsound mind, or withholds the requisite consent, the High Court, if satisfied that the consent is unreasonably withheld, may issue an order of consent, in lieu of the consent required by subsection (1).

(3) Where there is no one living who is capable of giving a valid consent, the marriage may in the discretion of the minister or registrar proceed without such consent.

(4) No marriage solemnised without the consent or order of the High Court as required by subsection (1) or (2) respectively, shall be void by reason only of the absence of such consent or order, but the minister or registrar solemnising the marriage shall be liable to the penalties prescribed in section 30.



[...]

Protesting marriage.

12. Any person whose consent is required under section 7 to a marriage or any person who is aware of any just impediment to the marriage may, before the solemnisation of the marriage, give notice of his objection verbally or in writing and thereupon the marriage shall not be solemnised until the minister of religion has inquired into the matter and is satisfied that the marriage may lawfully proceed.[...]

Registration of religious marriages.

14. (1) All religious marriages under this Act shall be registered

### PART III CIVIL MARRIAGES

[...]

Protesting marriage.

19. Any person whose consent is required under section 7 to a marriage or any person who is aware of any impediment to the marriage may, before the solemnisation of the marriage, give notice of his objection verbally or in writing and thereupon the marriage shall not be solemnised nor shall a certificate be given under section 18(2) until the Marriage Registrar has inquired into the matter and is satisfied that the marriage may lawfully proceed.

### PART IV OFFENCES AND PENALTIES

False declaration.

26. Whoever for the purpose of procuring any marriage intentionally makes any false oath, declaration or affirmation, or who intentionally signs any false notice or certificate required by this Act, is guilty of an offence and liable on conviction to a fine and imprisonment for 5 years. False impersonation of person whose consent is required.

27. Whoever objects under section 12 to a marriage by a minister of religion, or under section 19 to a marriage by a Marriage Registrar, by falsely and knowingly representing himself to be a person whose consent to the marriage is required by this Act, is guilty of an offence and liable on conviction to a fine and imprisonment for 3 years. Unqualified person solemnising marriage.

[...]

30. Any person duly authorised to solemnise a marriage who —

(a) knowingly and wilfully solemnises a marriage when one of the parties thereto is a minor and the consent required by section 7 has not been obtained; [...],

is guilty of an offence and liable on conviction to a fine and imprisonment for 3 years.

Tampering with documents.

31. Any person who —

(a) wilfully destroys, tampers with or injures any Marriage Register book, any entry or certificate therein or any extract or certified copy of such entry;

(b) wilfully and falsely makes or counterfeits any certificate or part of any Marriage Register book; or

(c) wilfully inserts any false entry in such Marriage Register book, certified copy, counterfoil copy or extract,

is guilty of an offence and liable on conviction to a fine and imprisonment for 7 years.

### [Registration of Marriage Act, 2002](#)

Registration of marriages solemnised or contracted within Brunei Darussalam.

4. (1) Any marriage solemnised or contracted within Brunei Darussalam, other than a marriage one of the parties to which professed at the time of such marriage the religion of Islam or the Christian religion, may be registered if —

[...]

(c) the parents or one of the parents, or, if both the parents are dead or if neither of the parents is within Brunei Darussalam, the natural guardian of a husband or wife who is under the age of 18 years at the date of their appearance before the Registrar as aforesaid shall appear before the Registrar upon or before the registration of such marriage and declare on oath that he, she or they have consented to such marriage: Provided that if the Registrar is satisfied that in all the circumstances of the case it is proper so to do he may dispense with the consent of any parent or guardian; and [...]

(2) The Registrar shall register a marriage by entering the particulars thereof in the register.

Offences and penalties.

14. (1) (a) Any person who induces any woman or female child to appear with him or with some other person before a Registrar and to declare or acknowledge that she is married to him or to such other person shall, if he knows at the time that she is not so lawfully married according to the institutions of the religion she professes, or if she is under the age of 18 years of the religion professed by her parents or natural guardians or by the law or custom having the force of law applicable to the parties or either of them or knows or has reason to believe that such woman or female child has a husband living from whom she has not been lawfully divorced according to the institutions of the religion professed by her at the time of such former marriage, or if she was then under the age of 18 years of the religion professed by her parents or natural guardians or by the law or custom having the force of law applicable to the parties or either of them, unless by the institutions of such religion or by the law or custom having the force of law applicable to him he is permitted to have more than one wife at any one time, be guilty of an offence and shall be liable to imprisonment for 7 years.

(b) The court before whom any person is convicted of an offence in contravention of paragraph (a) of this subsection shall order the cancellation of the registration of the said marriage and shall transmit a copy of such order to the Registrar by whom such marriage was registered and to the Registrar General of Marriages and the register shall be amended by cancelling the registration of such marriage.

[Islamic Family Law Act, 2001 \(as amended\)](#)

PART II

MARRIAGE

Consent required.

12. A marriage shall be void and shall not be registered under this Act unless both parties to the marriage have consented thereto, and either —

(a) the wali of the woman has consented thereto in accordance with Hukum Syara'; or

(b) a Syar'ie Judge having jurisdiction in the place where the woman is bermastautin or any person generally or specially authorised in that behalf by the Syar'ie Judge has, after due inquiry in the presence of all parties concerned, granted his consent thereto as wali Hakim in accordance with Hukum Syara'. Such consent may be given if the wali cannot be found or if the wali refuses to give his consent without reasonable grounds.

[...]

PART IV

PENALTIES AND MISCELLANEOUS PROVISIONS RELATING TO SOLEMNISATION AND REGISTRATION OF MARRIAGES

Interference with marriage.

35. Unless permitted under Hukum Syara', any person who uses any force, threat or deception —  
(a) to compel a person to marry against his will; or  
(b) to prevent a man who has attained the age of 18 years or a woman who has attained the age of 16 years from entering into a valid marriage, is guilty of an offence and liable on conviction to a fine not exceeding \$2,000, imprisonment not exceeding 6 months or both.  
False declaration or statement for procuring marriage.
36. Any person who for the purpose of procuring any marriage under this Act, intentionally makes any false declaration or statement is guilty of an offence and liable on conviction to a fine not exceeding \$2,000, imprisonment not exceeding 6 months or both.  
Unauthorised solemnisation of marriage.
37. Any person who, not authorised under this Act, solemnises or purports to solemnise any marriage is guilty of an offence and liable on conviction to a fine not exceeding \$2,000, imprisonment not exceeding 6 months or both.  
Offences relating to solemnisation of marriage.
38. (1) Any person who knowingly solemnises or purports to solemnise or officiates a marriage —  
(a) without there being a permission to marry as required by section 18; or  
(b) otherwise than in the presence of at least two credible witnesses, is guilty of an offence and liable on conviction to a fine not exceeding \$2,000, imprisonment not exceeding 6 months or both.  
(2) Any person who marries, or purports to marry, or goes through a form of marriage with any person contrary to any of the provisions of Part II is guilty of an offence and liable on conviction to a fine not exceeding \$2,000, imprisonment not exceeding 6 months or both.  
Sanction to prosecute.
39. No prosecution for an offence under this Part shall be instituted except with the sanction in writing of the Chief Syar'ie Prosecutor.

#### [Chinese Marriage Act, 1955 \(as amended\)](#)

##### 1. Citation.

[...]

(2) This Act shall not apply to marriages solemnised under the Marriage Act (Chapter 76).

##### Interpretation.

##### 2. In this Act and any rules made thereunder —

“Chinese marriage” means a marriage contracted according to established Chinese law or custom and include a marriage constituted by the marital intercourse of persons betrothed according to such law or custom.

[...]

Female shall be over 15 years of age.

6. (1) No Chinese marriage shall be registered, nor shall it be valid, until the female is 15 years of age by English computation.

(2) Any person who has carnal connection with a female under 15 years of age by English computation shall be deemed to be guilty of an offence under section 2 of the Unlawful Carnal Knowledge Act (Chapter 29), notwithstanding that a marriage ceremony by Chinese law or custom has been performed.

[...]

##### Penalty for failure to register.

9. Any person who marries in Brunei Darussalam according to Chinese law or custom and, the marriage not having been registered, fails within one month of the marriage to apply for such marriage to be registered shall be guilty of an offence: Penalty, a fine of \$1,000

## CAMBODIA

### Civil Code, 2007

#### Chapter Three

#### MARRIAGE

#### Section I. Formation of Marriage

#### Sub-section I. Requirements for marriage

948. (Marriageable age) Neither men nor women may marry until they have reached the age of 18. however, if one of the parties has attained the age of majority and the other party is a minor at least 16 years of age, the parties may marry with the consent of the parental power holders or guardian of the minor.

953. (Marriage of minor) (1) If one of the parties wishing to marry is a minor, the consent of parental power holders or guardian must be obtained.

(2) If one of the parental power holders does not consent, the consent of the other parental power holder shall be sufficient.

(3) If the parental power holders or guardian unreasonably refuse consent, the minor wishing to marry may apply to the court for adjudication in place of consent.

955. (Notification and registration of marriage)

(1) A marriage shall come into effect by virtue of notification, public notice, conclusion of the marriage contract in the presence of the family registration official and marriage registration. [...]

#### Sub-section II. Nullity and Annulment of Marriage

958. (Nullity of marriage)

A marriage shall be treated as void only in the following cases:

a) Where there is no intention to marry common to the parties on account of mistake as to the identity of the other party, coercion or other cause; [...]

959. (Annulment of marriage)

Annulment of a marriage shall be effected in accordance with Articles 960(Annulment of unlawful marriage, etc.) to 963(Annulment of marriage based on fraud or duress).

960. (Annulment of unlawful marriage)

(1) Either party to a marriage, their parents or a public prosecutor may apply to the court for annulment of a marriage effected in contravention of Articles 948(Marriageable age) to 952(Prohibition of marriage between relatives by affinity); provided that a public prosecutor may not make such an application after the death of one of the parties. [...]

961. (Extinguishment of right to annul marriage under marriageable age)

(1) No application may be made to annul a marriage effected in contravention of Article 948(Marriageable age) once the under-age party attains the marriageable age.

(2) An under-age party to a marriage may apply for annulment of the marriage during the period of 3 months following his or her attainment of the marriageable age, except where he or she has ratified the marriage after attaining the marriageable age.

964. (Effect of annulment of marriage)

- (1) The annulment of a marriage shall have no retroactive effect.
- (2) If a party who was unaware at the time of the marriage of the existence of a ground for its annulment has acquired property as a result of the marriage, he or she shall return such property to the extent that he or she currently benefits thereby.
- (3) A party who was aware at the time of the marriage of the existence of a ground for its annulment shall return the whole of the benefit that such party has obtained as a result of the marriage, and shall furthermore be liable to compensate the other party for any damage if the other party acted bona fide.
- (4) The provisions of Article 988(Presumption of paternity) shall apply mutatis mutandis to any child born to the parties to a marriage that is to be annulled.
- (5) If a marriage that ought to be annulled is dissolved, the provisions of Article 980(Division of property) shall apply mutatis mutandis.

### [Law on Marriage and Family, 1989](#)

Article 4: A man and woman reaching legal age have the right to self-determine the marriage. One party may not force another party to marriage against his/her will. No one can be forced to marry or prevented from having marriage as long as such marriage is in compliance with standards provided by this law.

Article 5: A marriage may be allowed for a man whose age is 20 years or more and a woman whose age is 18 years or more. In a special case where a man does not reach the age of 20 years and where a woman does not reach the age of 18 years, a marriage may be legitimized, upon the consent by the parents or guardians, if the woman becomes pregnant.

Article 14: A marriage shall be considered as legitimate only when a man and woman who voluntarily takes each other as husband and wife enter into a marriage arrangement before the registrar in the jurisdiction where the bride resides.

Article 15: Either his or her relatives or interested persons may file a complaint against a marriage within 10 days counting from the day of the posting of the marriage announcement.

Article 16: The complaint shall not be valid unless it is signed by the complainant him/herself. The complaint must indicate the ground for objection. The ground for objections can be the incapacity of a man or woman or otherwise provided by this law under the Article 5 of paragraph 1, and the Articles 6, 7 and 8.

Article 17: A complaint against marriage shall be brought by a person who objects personally or by his or her representative to the People's Committee of the Commune or the Section in the jurisdiction where the future wife resides. This Committee must make a decision within 3 days counting from the day of the receipt of the complaint. If the person who objects or the future couple disagree with the decision, the People's Committee of the Commune or the Sector must, within 5 days counting from the day of the receipt of the disagreement, send the case file (dossier) to the People's Court.

Article 18: The People's Court must decide on the complaint within at most 7 days counting from the day of the receipt of the case. The judgment of the People's Court cannot be challenged even if such judgment is a judgment by default. Article 19: If the People's Court denies the complaint against marriage, the future couple may marry. If the People's Court grants the complaint against marriage, the registrar must issue an order against the marriage ceremony.

Article 22: A marriage between a man under 20 years and a woman under 18 years shall be voidable. The voidable marriage may become valid when the man and woman reaches the age allowed by law or by cases provided under the Article 5, paragraph 2.

Article 23: Where any one of the spouses claims that he or she has been forced to marry, such marriage shall be void. The time of complaint annulling the marriage shall lapse if such complaint is not lodged within 6 months counting from the day she or he has been forced.

## CHINA

### [Civil Code, 2020](#)

#### Article 1047

To enter into a marriage, a man shall reach the age of twenty-two, and a woman shall reach the age of twenty.

#### Article 1051

A marriage is void in any of the following situations: [...]

(3) either party to the marriage is under the statutory marriageable age.

#### Article 1052

If a marriage is entered into as a result of coercion, the coerced party may apply to the people's court to annul the marriage. Such an application to annul the marriage shall be made within one year from the date of the coercive act ceases. Where the coerced party whose personal freedom is illegally constrained wishes to annul the marriage, the application to annul the marriage shall be made within one year from the date when the party's personal freedom is restored.

#### Article 1054

A void or annulled marriage has no legal effect ab initio, and neither party to such a marriage shall have any rights or duties arising from the marital relationship. Properties acquired during the cohabitation period shall be disposed of by mutual agreement. Where the parties fail to reach such an agreement, the people's court shall adjudicate the case in compliance with the principle of favoring the no-fault party. When disposing of the property acquired during a marriage which has been voided due to bigamy, the proprietary rights and interests of the parties to the lawful marriage shall not be infringed upon. The provisions of this Code on parents and children shall apply to the children born by the parties to a void or annulled marriage. Where a marriage is void or annulled, the no-fault party has the right to request for damages.

### [Marriage Law of the People's Republic of China, 1980](#)

#### Chapter I General Provisions

*Article 1* This Law is the Fundamental code governing marriage and family relations.

*Article 2* A marriage system based on the free choice of partners, on monogamy and on equality between man and woman shall be applied.

The lawful rights and interests of women, children and old people shall be protected. [...]

*Article 3* Marriage upon arbitrary decision by any third party, mercenary marriage and any other acts of interference in the freedom of marriage shall be prohibited. The exaction of money or gifts in connection with marriage shall be prohibited.

[...]

## Chapter II Marriage Contract

*Article 5* Marriage must be based upon the complete willingness of both man and woman. Neither party may use compulsion on the other party and no third party may interfere.

*Article 6* No marriage may be contracted before the man has reached 22 years of age and the woman 20 years of age. Late marriage and late childbirth shall be encouraged.

[...]

*Article 10* Marriage shall be invalid under any of the following circumstances:

[...]

(4) if the legally marriageable age is not attained.

*Article 11* In the case of a marriage made under coercion, the coerced party may make a request to the marriage registration office or the people's court for the dissolution of the marriage contract. Such a request shall be made within one year as of the marriage registration date. The party concerned whose personal freedom is curbed illegitimately shall make a request for dissolution of the marriage contract within one year as of the date on which his or her personal freedom is restored.

*Article 12* Void or dissolved marriage shall be invalid from its inception. Neither party concerned shall have the rights and duties of husband or wife. The property acquired during their cohabitation shall be subject to disposition by mutual agreement. If they fail to reach an agreement, the people's court shall give a ruling on the principle of caring for the no-fault party. The disposition of the property of void marriage caused by bigamy may not be to the detriment of the property rights and interests of the party concerned to the lawful marriage. The provisions of this Law regarding parents and children shall apply to the children born from the parties concerned.

## INDIA

### [The Prohibition of Child Marriage Act, 2007](#)

1. Short title, extent and commencement.—(1) This Act may be called the Prohibition of Child Marriage Act, 2006.

(2) It extends to the whole of India except the State of Jammu and Kashmir; and it applies also to all citizens of India without and beyond India: Provided that nothing contained in this Act shall apply to the Renoncants of the Union territory of Pondicherry. [...]

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) "child" means a person who, if a male, has not completed twenty-one years of age, and if a female, has not completed eighteen years of age;

(b) "child marriage" means a marriage to which either of the contracting parties is a child;

[...]

(f) "minor" means a person who, under the provisions of the Majority Act, 1875 (9 of 1875), is to be deemed not to have attained his majority.

Section 3. Child marriages to be voidable at the option of contracting party being a child.—

(1) Every child marriage, whether solemnised before or after the commencement of this Act, shall be voidable at the option of the contracting party who was a child at the time of the marriage: Provided that a petition for annulling a child marriage by a decree of nullity may be filed in the district court only by a contracting party to the marriage who was a child at the time of the marriage.

(2) If at the time of filing a petition, the petitioner is a minor, the petition may be filed through his or her guardian or next friend along with the Child Marriage Prohibition Officer.

(3) The petition under this section may be filed at any time but before the child filing the petition completes two years of attaining majority.

(4) While granting a decree of nullity under this section, the district court shall make an order directing both the parties to the marriage and their parents or their guardians to return to the other party, his or her parents or guardian, as the case may be, the money, valuables, ornaments and other gifts received on the occasion of the marriage by them from the other side, or an amount equal to the value of such valuables, ornaments, other gifts and money: Provided that no order under this section shall be passed unless the concerned parties have been given notices to appear before the district court and show cause why such order should not be passed.

4. Provision for maintenance and residence to female contracting party to child marriage.—(1) While granting a decree under section 3, the district court may also make an interim or final order directing the male contracting party to the child marriage, and in case the male contracting party to such marriage is a minor, his parent or guardian to pay maintenance to the female contracting party to the marriage until her remarriage.

(2) The quantum of maintenance payable shall be determined by the district court having regard to the needs of the child, the lifestyle enjoyed by such child during her marriage and the means of income of the paying party.

(3) The amount of maintenance may be directed to be paid monthly or in lump sum.

(4) In case the party making the petition under section 3 is the female contracting party, the district court may also make a suitable order as to her residence until her remarriage.

5. Custody and maintenance of children of child marriages.—(1) Where there are children born of the child marriage, the district court shall make an appropriate order for the custody of such children.

(2) While making an order for the custody of a child under this section, the welfare and best interests of the child shall be the paramount consideration to be given by the district court.

(3) An order for custody of a child may also include appropriate directions for giving to the other party access to the child in such a manner as may best serve the interests of the child, and such other orders as the district court may, in the interest of the child, deem proper.

(4) The district court may also make an appropriate order for providing maintenance to the child by a party to the marriage or their parents or guardians.

6. Legitimacy of children born of child marriages.—Notwithstanding that a child marriage has been annulled by a decree of nullity under section 3, every child begotten or conceived of such marriage before the decree is made, whether born before or after the commencement of this Act, shall be deemed to be a legitimate child for all purposes.

7. Power of district court to modify orders issued under section 4 or section 5.—The district court shall have the power to add to, modify or revoke any order made under section 4 or section 5 and if there is



any change in the circumstances at any time during the pendency of the petition and even after the final disposal of the petition.

8. Court to which petition should be made.—For the purpose of grant of reliefs under sections 3, 4 and 5, the district court having jurisdiction shall include the district court having jurisdiction over the place where the defendant or the child resides, or where the marriage was solemnised or where the parties last resided together or the petitioner is residing on the date of presentation of the petition.

9. Punishment for male adult marrying a child.—Whoever, being a male adult above eighteen years of age, contracts a child marriage shall be punishable with rigorous imprisonment which may extend to two years or with fine which may extend to one lakh rupees or with both.

10. Punishment for solemnising a child marriage.—Whoever performs, conducts, directs or abets any child marriage shall be punishable with rigorous imprisonment which may extend to two years and shall be liable to fine which may extend to one lakh rupees unless he proves that he had reasons to believe that the marriage was not a child marriage.

11. Punishment for promoting or permitting solemnisation of child marriages.—(1) Where a child contracts a child marriage, any person having charge of the child, whether as parent or guardian or any other person or in any other capacity, lawful or unlawful, including any member of an organisation or association of persons who does any act to promote the marriage or permits it to be solemnised, or negligently fails to prevent it from being solemnised, including attending or participating in a child marriage, shall be punishable with rigorous imprisonment which may extend to two years and shall also be liable to fine which may extend up to one lakh rupees: Provided that no woman shall be punishable with imprisonment.

(2) For the purposes of this section, it shall be presumed, unless and until the contrary is proved, that where a minor child has contracted a marriage, the person having charge of such minor child has negligently failed to prevent the marriage from being solemnised.

12. Marriage of a minor child to be void in certain circumstances.—Where a child, being a minor— (a) is taken or enticed out of the keeping of the lawful guardian; or (b) by force compelled, or by any deceitful means induced to go from any place; or (c) is sold for the purpose of marriage; and made to go through a form of marriage or if the minor is married after which the minor is sold or trafficked or used for immoral purposes, such marriage shall be null and void.

13. Power of court to issue injunction prohibiting child marriages.—(1) Notwithstanding anything to the contrary contained in this Act, if, on an application of the Child Marriage Prohibition Officer or on receipt of information through a complaint or otherwise from any person, a Judicial Magistrate of the first class or a Metropolitan Magistrate is satisfied that a child marriage in contravention of this Act has been arranged or is about to be solemnised, such Magistrate shall issue an injunction against any person including a member of an organisation or an association of persons prohibiting such marriage.

(2) A complaint under sub-section (1) may be made by any person having personal knowledge or reason to believe, and a non-governmental organisation having reasonable information, relating to the likelihood of taking place of solemnisation of a child marriage or child marriages. (3) The Court of the Judicial Magistrate of the first class or the Metropolitan Magistrate may also take suo motu cognizance on the basis of any reliable report or information.

(4) For the purposes of preventing solemnisation of mass child marriages on certain days such as AkshayaTrutiya, the District Magistrate shall be deemed to be the Child Marriage Prohibition Officer with all powers as are conferred on a Child Marriage Prohibition Officer by or under this Act.

(5) The District Magistrate shall also have additional powers to stop or prevent solemnisation of child marriages and for this purpose, he may take all appropriate measures and use the minimum force required.

(6) No injunction under sub-section (1) shall be issued against any person or member of any organisation or association of persons unless the Court has previously given notice to such person, members of the organisation or association of persons, as the case may be, and has offered him or them an opportunity to show cause against the issue of the injunction: Provided that in the case of any urgency, the Court shall have the power to issue an interim injunction without giving any notice under this section.

(7) An injunction issued under sub-section (1) may be confirmed or vacated after giving notice and hearing the party against whom the injunction was issued.

(8) The Court may either on its own motion or on the application of any person aggrieved, rescind or alter an injunction issued under sub-section (1).

(9) Where an application is received under sub-section (1), the Court shall afford the applicant an early opportunity of appearing before it either in person or by an advocate and if the Court, after hearing the applicant rejects the application wholly or in part, it shall record in writing its reasons for so doing.

(10) Whoever knowing that an injunction has been issued under sub-section (1) against him disobeys such injunction shall be punishable with imprisonment of either description for a term which may extend to two years or with fine which may extend to one lakh rupees or with both: Provided that no woman shall be punishable with imprisonment.

14. Child marriages in contravention of injunction orders to be void.—Any child marriage solemnised in contravention of an injunction order issued under section 13, whether interim or final, shall be void ab initio.

15. Offences to be cognizable and non-bailable.—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), an offence punishable under this Act shall be cognizable and non-bailable.

16. Child Marriage Prohibition Officers.—(1) The State Government shall, by notification in the Official Gazette, appoint for the whole State, or such part thereof as may be specified in that notification, an officer or officers to be known as the Child Marriage Prohibition Officer having jurisdiction over the area or areas specified in the notification.

(2) The State Government may also request a respectable member of the locality with a record of social service or an officer of the Gram Panchayat or Municipality or an officer of the Government or any public sector undertaking or an office bearer of any non-governmental organisation to assist the Child Marriage Prohibition Officer and such member, officer or office bearer, as the case may be, shall be bound to act accordingly.

(3) It shall be the duty of the Child Marriage Prohibition Officer— (a) to prevent solemnisation of child marriages by taking such action as he may deem fit; (b) to collect evidence for the effective prosecution of persons contravening the provisions of this Act; (c) to advise either individual cases or counsel the residents of the locality generally not to indulge in promoting, helping, aiding or allowing the solemnisation of child marriages; (d) to create awareness of the evil which results from child marriages; (e) to sensitize the community on the issue of child marriages; (f) to furnish such periodical returns and statistics as the State Government may direct; and (g) to discharge such other functions and duties as may be assigned to him by the State Government.

(4) The State Government may, by notification in the Official Gazette, subject to such conditions and limitations, invest the Child Marriage Prohibition Officer with such powers of a police officer as may be specified in the notification and the Child Marriage Prohibition Officer shall exercise such powers subject to such conditions and limitations, as may be specified in the notification.

(5) The Child Marriage Prohibition Officer shall have the power to move the Court for an order under sections 4, 5 and 13 and along with the child under section 3.

17. Child Marriage Prohibition Officers to be public servants.—The Child Marriage Prohibition Officers shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

18. Protection of action taken in good faith.—No suit, prosecution or other legal proceedings shall lie against the Child Marriage Prohibition Officer in respect of anything in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

19. Power of State Government to make rules.—(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall, as soon as may be after it is made, be laid before the State Legislature.

[...]

#### [The Majority Act, 1875](#)

1. Short title.— This Act may be called the Majority Act, 1875.

Local extent. — [It extends to the whole of India [except the State of Jammu and Kashmir]].

[...]

2. Saving. Nothing herein contained shall affect:

(a) the capacity of any persons to act in the following matters (namely), marriage, dowry, divorce and adoption;

(b) the religion or religious rites and usages of any class of citizens of India; or

(c) the capacity of any person who before this Act comes into force has attained majority under the law applicable to him.

3. Age of majority of persons domiciled in India.

(1) Every person domiciled in India shall attain the age of majority on his completing the age of eighteen years and not before.

(2) In computing the age of any person, the day on which he was born is to be included as a whole day and he shall be deemed to have attained majority at the beginning of the eighteenth anniversary of that day.

#### [Hindu Marriage Act, 1956](#)

5. Condition for a Hindu Marriage.—A marriage may be solemnized between any two Hindus, if the following conditions are fulfilled, namely:

neither party has a spouse living at the time of the marriage;  
at the time of the marriage, neither party,

- (a) is incapable of giving a valid consent of it in consequence of unsoundness of mind; or
- (b) though capable of giving a valid consent has been suffering from mental disorder of such a kind or to such an extent as to be unfit for marriage and the procreation of children; or
- (c) has been subject to recurrent attacks of insanity or epilepsy;
- (iii) the bridegroom has completed the age of twenty one years and the bride the age of eighteen years at the time of the marriage; [...]

#### [Indian Christian Marriage Act, 1872](#)

3. In this Act, unless there is something repugnant in the subject or context, [...]

"minor" means a person who has not completed the age of twenty-one years and who is not a widower or a widow [...]

18. Declaration before issue of certificate. — The certificate mentioned in Section 17 shall not be issued until one of the persons intending marriage has appeared personally before the Minister and made a solemn declaration

(a) that he or she believes that there is not any impediment of kindred or affinity, or other lawful hindrance, to the said marriage, and, when either or both of the parties is or are a minor or minors — (b) that the consent or consents required by law has or have been obtained thereto, or that there is no person resident in India having authority to give such consent, as the case may be.

19. Consent of father or guardian or mother. — The father, if living, of any minor, or if the father be dead, the guardian of the person of such minor, and, in case there be no such guardian, then the mother of such minor, may give consent to the minor's marriage, and such consent is hereby required for the same marriage, unless no person authorized to give such consent be resident in India.

#### [Parsi Marriage and Divorce Act 1936, amended 1988](#)

Requisites to validity of Parsi marriages.

6 [(1) ] No marriage shall be valid if—

- (a) the contracting parties are related to each other in any of the degrees of consanguinity or affinity set forth in Schedule I; or
- (b) such marriage is not solemnized according to the Parsi form of ceremony called "Ashirvad" by a priest in the presence of two Parsi witnesses other than such priest; or
- [(c) in the case of any Parsi (whether such Parsi has changed his or her religion or domicile or not) who, if a male, has not completed twenty-one years of age, and if a female, has not completed eighteen years of age];

## INDONESIA

#### [Constitution, 1945 \(as amended\)](#)

Article 28B

- (1) Every person shall have the right to establish a family and to procreate based upon lawful marriage.
- (2) Every child shall have the right to live, to grow and to develop, and shall have the right to protection from violence and discrimination.

#### [Law No. 16 of 2019 \(Amending Law 1/1974 on Marriage\)](#)

Article I

Several provisions in Law Number 1 of 1974 concerning Marriage are amended:

Article 7 is amended so that it reads as follows:

(1) Marriage is only permitted if the man and woman have reached the age of 19 (nineteen) years.

(2) In the event of a deviation from the age provision as referred to in paragraph (1), the parents of the male and/or the woman can ask for a court dispensation for very urgent reasons accompanied by sufficient supporting evidence.

(3) In granting dispensation, the court [...] shall listen to the opinions of the future bride and groom.

[...]

2. Between Article 65 and Article 66, 1 (one) is inserted new Article 65A which reads as follows:

Article 65A

At the time this Law comes into force, the process of applications to register a marriage based on Law Number 1 of 1974 regarding marriage shall continue in accordance with that law.

### [Marriage Law, 1974](#)

Arts. 7 (minimum age for marriage; dispensation from minimum age by the court or other official nominated by the parents); 16 (1) and 20 (prohibiting celebration of marriage in contravention of minimum age); 22 (annulment of the marriage celebrated in violation of legal requirements); 61 (3) (sanctions for registrars).

### [Child Protection Act, 2002](#)

#### Chapter 1

In these laws [...]:

1. A child is someone who has not reached the age of 18 (eighteen), including fetus in womb.

[...]

12. Child's rights are parts of human rights which oblige parents, family, communities, the government, and state to guarantee, to protect and to fulfill them. [...]

#### Chapter 26

(1) Parents are obliged and responsible for:

a. caregiving, nurturing, educating, and protecting a child;

[...]

c. preventing early marriage [...].

(2) When the parents are absent, their whereabouts are not known, or when, for whatever reason, they cannot perform their obligations and responsibilities, these [...] shall pass to the extended family [...]

## IRAN

### [Civil Code, 1928 \(as amended\)](#)

**Article 1035** - A promise of marriage does not create the matrimonial relation even though the whole or some of the dowry fixed for payment at the time of marriage between the two parties may have been paid. Either the man or the woman, therefore, can, so long as the ceremonial act of marriage has not been pronounced, refuse the marriage and the other party cannot oblige her or him to contract the marriage or claim compensation for losses merely owing to the refusal.

**Article 1041** - Marriage before the age, of majority is prohibited.

Note -Marriage before puberty by the permission of the Guardian and on condition of taking into consideration the ward's interest is proper.

**Article 1043** - The marriage of a girl who has not married previously is dependent on the permission of her father or her paternal grandfather even if she has reached the full age of majority. If, however, the father or the paternal grandfather withhold the permission without justifiable reason, the girl can refer to the Special Civil Court giving full particulars of the man whom she wants to marry and also the terms of the marriage and the dowry money agreed upon and notify her father or her paternal grandfather through that Court of the foregoing particulars The Court can issue a permission for marriage fifteen days after the date of notification to the guardian if no response has been received from the guardian to satisfy refusal.

**Article 1044** - If the father or the paternal grandfather are not present in the place and obtaining their permission is customarily impossible and the girl is in need of marriage, she can marry.

Note - Registration of such a marriage in the Marriage Registry shall be pending on proving the above - cited instances in the Special Civil Court.

**Article 1062** - Marriage takes place by proposal and acceptance in words which explicitly convey the intention of marriage.

**Article 1063** - The proposal and acceptance may be uttered by the man and woman themselves or by persons who are legally entitled to perform the act.

**Article 1070** - Consent of the marrying parties is the condition upon which depends the enforcement of the marriage contract, and if a party showing at first reluctance authorises the making of the contract subsequently, the contract will be binding unless the reluctance is so acute that the reluctant person cannot be considered as having been in possession of any intention.

#### [Penal Code, 1996 \(as amended\)](#)

**Article 646:** Marriage before puberty without the permission of the guardian is forbidden. If a man violates Article 1041 of the Civil Code and marries a girl before she reaches the age of puberty, he shall be sentenced from six months to two years' ta'zir imprisonment.

Note : Majority/Puberty is reached at 8 years and nine months (9 lunar years) for girls and 14 years and seven months (15 lunar years) for boys under Shari'a Law in Iran.

#### IRAQ

#### [Personal Status Law, 1959 \(as amended\)](#)

##### **Article 7:**

1) In order for the marriage to be valid, the two parties to the contract should be sane and have reached 18 years of age.

[...]

##### **Article 8:**

1) If a 15-year-old person asks to be married, the judge can authorize his marriage if the eligibility and physical ability of the person in question was proven to him, after obtaining the approval of his legal

guardian. If the guardian abstains from responding, the judge calls upon him to state his answer during a defined period. Thus, if the guardian does not object or if he submits an objection that is unworthy of consideration, the judge shall proceed to authorizing the marriage.

2) The judge can authorize the marriage of a 15-year-old person if he sees in it an urgent necessity. Giving such authorization is also conditional upon the attainment of legal puberty and physical ability.

#### **Article 9:**

1) No relative or non-relative has the right to force marriage on any person, whether male or female, without their consent. The contract of a forced marriage is considered void if the marriage is not yet consummated. Moreover, none of the relatives or other people has the right to prevent whoever is eligible for marriage from being married by virtue of the provisions of this marriage law.

2) A first degree relative who breaches the provisions of paragraph 1 of this article shall be sentenced to no more than three years imprisonment and charged with a fine of a specified amount. If the person who breaches this provision is not a first degree relative, he shall be sentenced to an imprisonment term varying from a minimum of three years to a maximum of ten years.

3) The Shari'a Court or the Personal Status Court must notify the investigation authorities of any violation of the provisions of paragraph 1 of this article so that they take legal action against the person in question. The court is entitled to hold him in custody to ensure his appearance before the said authorities. Furthermore, the person who was subject to coercion or prevention has the right to refer directly to the investigation authorities concerning this matter.

## ISRAEL

Marriage Age Law (Amendment No. 6), 5774-2013 (raising the minimum age of marriage from 17 to 18 for both girls and boys; allowing marriage for sixteen years old by judicial authorization in the best interest of the minor).<sup>1</sup>

## JAPAN

### [Civil Code Act, 1891 \(as amended\)](#)

Article 4. The age of majority is reached when a person has reached the age of 20.

#### **Chapter Two. Marriage.**

##### Puberty

Article 731. A man may not marry until the completion of his full eighteen years of age, nor a woman until the completion of her full sixteen years of age.

##### Minor's marriage

Article 737. A minor child shall obtain the consent both of his or her father and mother in order to marry.

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<sup>1</sup> Library of Congress, Israel: Minimum Marriage Age Raised to 18, Nov. 2013, available at <https://www.loc.gov/item/global-legal-monitor/2013-11-12/israel-minimum-marriage-age-raised-to-18/#:~:text=Article%20Israel%3A%20Minimum%20Marriage%20Age%20Raised%20to%2018,the%20Marriage%20Age%20Law%20%28Amendment%20No.%206%29%2C%205774-2013> (last visited June 2022).

2. If either the father or mother does not give the consent, the consent of the other parent only shall be sufficient. The same shall also apply, if either the father or mother is unknown, or is dead or is unable to declare his or her intention.

Article 742. A marriage is void only in the following cases:

(1) Where there is no intention to marry common to the parties owing to a mistake as to the identity of the person or through any other cause;

[...]

Annulment of marriage

Article 743. A marriage cannot be annulled except in accordance with the provisions of Articles 744 to 747 inclusive.

Unlawful marriage

Article 744. In cases of a marriage effected in contravention of the provisions of Articles 731 to 736 inclusive, an application may be made to the Court for its annulment by either party thereto, any of each party's relatives or a public procurator; however, a public procurator may not make such an application after the death of either of the parties.

[...]

Marriage under puberty

Article 745. No application may be made for the annulment of a marriage effected in contravention of the provisions of Article 731, if the person who was not of marriageable age has attained the requisite age.

2. A person married under the marriageable age may still apply for the annulment of the marriage during a period of three months from his or her attainment of the requisite age; however, this shall not apply when he or she has ratified it after having attained the requisite age.

[...]

Marriage due to fraud or duress

Article 747. A person who has been induced by fraud or duress to effect a marriage may apply to the Court for the annulment of such marriage.

2. The right of annulment mentioned in the preceding paragraph shall be extinguished if three months have elapsed since the party discovered the fraud, or became free from the duress, or if he or she has effected a ratification.

Non-retroactivity

Article 748. The annulment of a marriage shall have no retroactive effect.

2. In cases any party, who was unaware at the time of the marriage that a ground for its annulment existed, has acquired property by reason of the marriage, such party shall return the property to the extent that he or she is still enriched thereby.

3. Any party who was aware at the time of the marriage that a ground for its annulment existed shall return the whole benefit which he or she has acquired by reason of the marriage, and further if the other party acted bona fide, he or she shall be liable in compensation for damages thereto.

JORDAN

[Personal Status Law, 2019](#)



**Article 10:**

[...]

1) In order to qualify for marriage, it is required that the fiancé and fiancée be sane and that each of them has reached eighteen solar years of age.

2) Notwithstanding what is stated in Paragraph (1) of this Article, the judge may, with the approval of the Chief Justice, and after verifying the availability of consent and choice, authorize in exceptional cases marriage for whoever reaches sixteen years of age and on the basis of instructions issued by him/her for this purpose, if the marriage is deemed necessary, and if the parties are able to marry and capable of all [obligations] that the marriage [...] entails as well as its effects.

**Article 14:** The guardian for the marriage is the clan leader and a follower of the Hanafi school.

**Article 18:** Subject to the provisions of Article (10) of this law, the judge may, upon request, authorize the marriage of a female teenager who has reached sixteen of age in case of objection from a guardian, should the guardian not provide a legitimate reason.

**Article 19:** The consent of the guardian is not required in the marriage of a sane and able woman over the age of eighteen years.

**Article 31**

[...]

(g) Subject to the provisions of Paragraph (C) of Article (35) of this law, if the two contracting parties or one of them did not meet the eligibility conditions at the time of the contract or were coerced.

**Article 35**

[...]

c) The lawsuit for nullity of marriage due to young age shall not be heard if the wife has given birth, is pregnant, or if the two parties at the time of filing [...] met all the conditions of eligibility.

**KAZAKHSTAN****[Marriage \(Matrimony\) and Family Code \(consolidated to 2022\)](#)****Article 2. Fundamentals of the marriage and family legislation of the Republic of Kazakhstan**

[...]

3. Only the marriage (matrimony) concluded by state bodies is recognized.

A marriage (matrimony) entered into according to religious rites and ceremonies is not equated to a marriage (matrimony) registered with the registration authorities and does not give rise to appropriate legal consequences.

Marriage (matrimony) does not recognize the actual cohabitation of both a man and a woman, and persons of the same sex. [...]

**Article 9. Conditions for entering into marriage (matrimony)**

1. For the conclusion of marriage (matrimony), the free and full consent of the man and woman entering into marriage (matrimony) and the attainment of marriageable (matrimonial) age are required. [...]

**Article 10. Marriage (marital) age**

1. Marriage (marital) age is established for men and women at eighteen years.

2. Registration authorities at the place of state registration of marriage (matrimony) reduce the age of marriage (matrimony) for a period of not more than two years if there are the following good reasons:

1) pregnancy;

2) the birth of a common child.

3. [An application](#) to reduce the marriageable (marital) age may be filed by those wishing to enter into marriage (matrimony) and their parents or guardians, indicating the reasons for the need to reduce the established marriageable (marital) age.

4. Reducing the marriageable (matrimony) age is allowed only with the consent of the persons entering into marriage (matrimony).

5. Marriage (matrimony) between persons who have not reached the marriageable (marital) age, or between a person who has reached the marriageable (marital) age, with a person who has not reached the marriageable (marital) age, is permitted only with the written consent of the parents or guardians of the persons who have not reached marriageable (marital) age. [...]

#### **Article 25. Recognition of marriage (matrimony) invalid**

1. Marriage (matrimony) is declared invalid by the court in case of violation of the conditions established by [Articles 9-11](#) of this Code, as well as in the following cases:

[...]

2) conclusion of marriage (matrimony) under duress;

[...]

2. The court is obliged, within three days from the date of entry into force of the court decision on recognizing marriage (matrimony) as invalid, to send an extract from this court decision to the registering authority at the place of state registration of marriage (matrimony).

3. Marriage (matrimony) is recognized as invalid from the date of its conclusion.

#### **Article 26. Persons entitled to demand recognition of marriage (matrimony) as invalid**

1. The requirement to recognize a marriage (matrimony) as invalid has the right to present:

1) a minor spouse, his legal representatives or a prosecutor, if marriage (matrimony) is concluded with a person who has not reached marriageable (marital) age;

2) a spouse whose rights are violated by marriage (matrimony), as well as a prosecutor, if marriage (matrimony) is concluded in the absence of the voluntary consent of one of the spouses to conclude it as a result of coercion, deceit, delusion or impossibility due to their condition at the time of state registration marriage (matrimony) to understand the meaning of their actions and manage them; [...]

#### **Article 27. Circumstances eliminating the invalidity of marriage (matrimony)**

1. If by the time of consideration of the case on recognizing marriage (matrimony) as invalid, the circumstances that prevented the conclusion of marriage (matrimony) have disappeared, the court shall have the right to recognize the marriage (matrimony) as valid from that moment.

2. The court may refuse a claim for invalidation of a marriage (matrimony) concluded with a person who has not reached the age of marriage (matrimony), if this is required by the interests of the minor spouse, as well as in the absence of his/her consent to recognize the marriage (matrimony) as invalid. [...]

#### **Article 28. Consequences of recognition of marriage (matrimony) invalid**

[...]

3. Recognition of marriage (matrimony) as invalid does not infringe the rights of children born in such marriage (matrimony) or within two hundred and eighty days from the date of recognition of marriage (matrimony) as invalid. [...]

### **Article 69. Rights of minor parents**

1. Minor parents have the right to live together with the child and participate in his upbringing.
2. Minor parents who are not married (matrimony), in the event of the birth of a child and when their motherhood and (or) paternity are established, shall have the right to independently exercise parental rights upon reaching the age of sixteen years. Until the minor parents reach the age of sixteen years, the body exercising the functions of guardianship or custodianship shall appoint a guardian who will carry out his/her upbringing together with the minor parents of the child. Disagreements arising between the guardian of the child and minor parents are resolved by the body exercising the functions of guardianship or guardianship, taking into account the interests and rights of the minor child and parents.
3. Minor parents have the right to recognize and challenge their paternity and maternity on a general basis, and also have the right to demand, upon reaching the age of fourteen, that paternity be established in relation to their children in a judicial proceeding.

[Civil Code, 1994 \(as amended\)](#)

### **Article 17. Legal capacity of citizens**

[...]

2. In the event that legislative acts allow marriage before reaching the age of eighteen, a citizen who has not reached the age of eighteen acquires legal capacity in full from the time of entering into marriage.

KUWAIT

[Personal Status Law, 1984](#)

Article 8. A marriage takes place with the offer of the wife's guardian (wali) and the acceptance of the husband or his representative.

Article 24. (a)The eligibility for marriage requires reason and maturity.

[...]

Article 26. It is forbidden to register the marriage contract, or to ratify it unless the girl is fifteen, and the boy is seventeen years old at the time of registration.

KYRGYZSTAN

[Constitution, 2021](#)

### **Article 26.**

1. A family shall be created on the basis of the voluntary marriage of a man and a woman who have attained the legal age of marriage. Marriage shall not be permitted without the consent of the two persons entering into the marriage. Marriage shall be registered by the state. [...]

[Family Code, 2003 \(as amended\)](#)

### **Article 13. Conditions for entering into marriage**

1. For the conclusion of marriage, the mutual voluntary consent of the man and woman entering into marriage and the achievement of marriageable age are required. [...]

#### **Article 14. Age of consent**

1. The age of consent is established at eighteen years.
2. In the presence of reasonable excuses executive bodies of local self-government at the place of residence of the persons who are wishing to marry, having the right to reduce at the request of these persons age of consent for men and women no more than for one year based on the commission conclusion of departments of family support and children.
3. Persons guilty of violation of requirements of this Code about age of consent bear responsibility according to the legislation of the Kyrgyz Republic.

#### **Article 28. Recognition of marriage as invalid**

1. Marriage is recognized as invalid in case of violation of the conditions established by Articles 13-15 and paragraph 3 of Article 16 of this Code, as well as in the event of a fictitious marriage, that is, if the spouses or one of them registered the marriage without the intention of creating a family.
2. Recognition of marriage as invalid is made by the court.
3. The court is obliged, within three days from the date of entry into force of the court decision on recognizing the marriage as invalid, to send an extract from this court decision to the civil registry office at the place of state registration of the marriage.
4. Marriage is recognized as invalid from the date of its conclusion

#### **Article 29**

1. The following persons have the right to demand recognition of a marriage as invalid:
  - a) a minor spouse, his parents (persons replacing them), a territorial subdivision of the authorized state body for the protection of children or a prosecutor, if the marriage is concluded with a person who has not reached marriageable age, in the absence of permission to enter into marriage before this person reaches marriageable age (Article 14 of this Code). After the minor spouse reaches the age of eighteen, only that spouse has the right to demand recognition of the marriage as invalid; [...]

#### [Criminal Code, 2017 \(as amended\)](#)

#### **Section 175. Abduction of a Person for the Purpose of Marriage**

1. Kidnapping of a person for marriage against his will, is punished by imprisonment of the III category.
2. Kidnapping of a person under eighteen years of age for the purpose of entering into marital relations or for entering into marriage against his will, shall be punished by imprisonment of the IV category [from 7 years 6 months to 10 years] with a fine of the IV category.

#### **Article 176**

Coercion to enter into actual marriage relations with a person who has not reached the age of eighteen, is punishable by a fine of the VI category or imprisonment of the II category [from 2 years 6 months to 5 years].

#### **Article 177. Coercion of a person to enter into marriage**

Forcing a person to enter into marriage, as well as forcing a person to continue a marriage entered into forcibly, or forcing a person to enter into cohabitation without marriage, or forcing to continue such cohabitation, as well as preventing a person from entering into marriage, - are punishable by a fine of the V category or imprisonment of the I category [up to 2 years 6 months].

#### **Article 178**

Parents (or persons replacing them) of a person in respect of whom a religious rite of marriage has been performed, a person who has performed a religious rite of marriage, as well as an adult person in respect of whom a religious rite of marriage has been performed with a minor in violation of the legislation on marriageable age are punished by imprisonment of the II category [from 2 years 6 months to 5 years].

LAOS

[Civil Code, 2020](#)

#### CHAPTER 3 A. MARRIAGE CONDITIONS AND REGULATIONS OF MARRIAGE

Article 150 Criteria of marriage

[A] man and woman that want to marry shall [...]:

1. Be 18 years and above [...]

#### B. MARRIAGE RELATED TO FOREIGNER

Article 154 Marriage between Lao citizens and aliens, foreigner, a stateless person and among aliens, foreigner and stateless person in the Lao People's Democratic Republic

[...]

Marriage between Lao citizens and aliens, foreigner, a stateless person and among aliens, foreigner and stateless person in the Lao People's Democratic Republic is to comply with the article 150 to 152 of this civil code. [...]

Article 156 Marriage of Lao citizen oversea.

The state acknowledges marriage of Lao citizen in oversea which comply with Law of Lao PDR. [...]

#### C. NULLITY OF MARRIAGE

Article 158 Nullity of marriage

[Null] [...] is a marriage which violates:

1. The conditions of marriage as mentioned in Article 150 of this civil code;

[...]

Article 159 Dissolution of null marriage

The people's prosecutor, the registrar officer, the parents-in-law, the husband or wife themselves have the right to request the dissolution of a null marriage.

The dissolution of a null marriage is the jurisdiction of the people's Court.

Article 160 Consequence of null marriage

When the court has been dissolved a marriage, matrimonial links will cease but children carried in their mothers' wombs and born during marriage life will be considered as legal. [...]

[Family Law, 1990](#)

#### **Article 9. Conditions for Marriage**

Men and women have the right to marry at eighteen years of age. In special and necessary cases, this limit may be lowered to less than eighteen years of age but not less than fifteen years of age. Marriage must be based on mutual consent from both sides without coercion from any side or individual.

#### **Article 17. Null Marriage**

A “null marriage” refers to a marriage transgressing any of the conditions in Articles 9 and 10 of this law.

#### **Article 18. Dissolution of Null Marriage**

The dissolution of a null marriage is within the jurisdiction of the people’s court. The public prosecutor, the family registrar officer, the parents-in-law, and the husband and wife have the right to request the dissolution of a null marriage.

#### **Article 19. Consequence of Null Marriage**

If a null marriage is dissolved, the matrimonial relationship shall cease but children conceived or born during the marriage shall be considered legitimate. [...]

#### [Criminal and Penal Law, 2017](#)

Arts. 268 and 269.

#### [Law on preventing and combatting violence against women and children, 2014](#)

Article 17. Acts considered as Violence against Women and Children

Acts considered as violence against women and children are: [...]

- Kidnap, forced marriage or forced divorce or obstruction to marriage or divorce; marriage for the purpose of selling a person to other people. [...]

Article 79. Criminal Measures

Any individual [,] who has committed violence against women or children as defined as a criminal offence, will have legal proceedings taken against them and punished as stipulated in the Criminal Law. In addition, the following perpetrators of violence will be also punished as follows:

[...]

- [...] In cases where a person forces a child under 18 years of age to get married [that person] will be punished by imprisonment of one year to three years and will be fined from 1,000,000 Kip to 3,000,000 Kip. [...]

#### MALAYSIA

#### [Law Reform \(Marriage and Divorce\) Act 1976 \(as amended\)](#)

#### **PART I PRELIMINARY**

[...]

2. (1) In this Act, unless the context otherwise requires— [...]

“minor” means a person who is under the age of twenty-one years and who is not a widow or widower; [...]

Application

3. (1) Except as is otherwise expressly provided this Act shall apply to all persons in Malaysia and to all persons domiciled in Malaysia but are resident outside Malaysia.

[...]

(3) This Act shall not apply to a Muslim or to any person who is married under Islamic law and no marriage of one of the parties which professes the religion of Islam shall be solemnized or registered under this Act;

[...]

(4) This Act shall not apply to any native of Sabah or Sarawak or any aborigine of Peninsular Malaysia whose marriage and divorce is governed by native customary law or aboriginal custom unless— (a) he elects to marry under this Act; (b) he contracted his marriage under the Christian Marriage Ordinance [Sabah Cap. 24]; or (c) he contracted his marriage under the Church and Civil Marriage Ordinance [Sarawak Cap. 92].

Subsisting valid marriages deemed to be registered under this Act and dissoluble only under this Act

4. (1) Nothing in this Act shall affect the validity of any marriage solemnized under any law, religion, custom or usage prior to the appointed date.

(2) Such marriage, if valid under the law, religion, custom or usage under which it was solemnized, shall be deemed to be registered under this Act.

(3) Every such marriage, unless void under the law, religion, custom or usage under which it was solemnized, shall continue until dissolved— (a) by the death of one of the parties; (b) by order of a court of competent jurisdiction; or (c) by a decree of nullity made by a court of competent jurisdiction. [...]

### **PART III MARRIAGE**

#### Restrictions on marriage

Persons by whom marriages may be solemnized

9. A marriage under this Act may be solemnized only by a Registrar.

Avoidance of marriages where either party is under minimum age for marriage.

10. Any marriage purported to be solemnized in Malaysia shall be void if at the date of the marriage either party is under the age of eighteen years unless, for a female who has completed her sixteenth year, the solemnization of such marriage was authorized by a licence granted by the Chief Minister under subsection 21(2).

[...]

Requirement of consent

12. (1) A person who has not completed his or her twenty-first year shall, notwithstanding that he or she shall have attained the age of majority as prescribed by the Age of Majority Act 1971 [Act 21], nevertheless be required, before marrying, to obtain the consent in writing— (a) of his or her father; (b) if the person is illegitimate or his or her father is dead, of his or her mother; (c) if the person is an adopted child, of his or her adopted father, or if the adopted father is dead, of his or her adopted mother; or (d) if both his or her parents (natural or adopted) are dead, of the person standing in loco parentis to him or her before he or she attains that age, but in any other case no consent shall be required.

(2) Where the court is satisfied that the consent of any person to a proposed marriage is being withheld unreasonably or all those persons who could give consent under subsection (1) are dead or that it is impracticable to obtain such consent, the court may, on application, give consent and such consent shall have the same effect as if it had been given by the person whose consent was required by subsection (1).

(3) An application to the High Court under this section shall be made to a Judge in chambers.

(4) When an application is made to the High Court in consequence of a refusal to give consent, notice of the application shall be served upon the person who refused to give consent.

(5) Notwithstanding anything to the contrary in this Part consent to the marriage of a minor shall not be necessary if the minor has been previously married.

(6) There shall be no appeal from an order of a Judge under this section.

[...]

Licence

21. [...]

(2) The Chief Minister may in his discretion grant a licence under this section authorizing the solemnization of a marriage although the female party to the marriage is under the age of eighteen years, but not in any case before her completion of sixteen years.

[...]

Solemnization of marriages

22. [...]

(3) A valid marriage may be solemnized under paragraph (1)(c) by an Assistant Registrar if he is satisfied by statutory declaration that— (a) either— (i) each of the parties is twenty-one years of age or over, or, if not, is a widower or widow, as the case may be, or (ii) if either party is a minor who has not been previously married and the female party not under the age of sixteen years that the consent of the appropriate person mentioned in section 12 has been given in writing, or has been dispensed with, or has been given by a court in accordance with section 12; [...]

(4) Every marriage purported to be solemnized in Malaysia shall be void unless a certificate for marriage or a licence has been issued by the Registrar or Chief Minister

[...]

(6) No marriage shall be solemnized unless the Registrar is satisfied that both the parties to the marriage freely consent to the marriage.

[...]

Solemnization of a marriage through religious ceremony, custom or usage

24. [...]

(2) Where any person is appointed by the Minister to act as Assistant Registrar of Marriages for any marriage district such person may after delivery to him a statutory declaration under subsection 22(3) solemnize any marriage in accordance with the custom or usage which the parties to the marriage or either of them practise. [...]

Entry in marriage register

25. (1) Immediately after the solemnization under section 23 or 24 is performed the Registrar shall enter the prescribed particulars in the marriage register. [...]

Voluntary registration of marriages previously solemnized under religion or custom

33. [...]

(6) The Registrar shall not register a marriage under this section if he is satisfied that the marriage is void under this Act.

## **PART V PENALTIES AND MISCELLANEOUS PROVISIONS RELATING TO THE SOLEMNIZATION AND REGISTRATION OF MARRIAGES**

[...]

Interference with marriage

37. Any person who uses any force or threat— (a) to compel a person to marry against his will; or (b) to prevent a person who has attained the age of twentyone years from contracting a valid marriage, shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding three years or to a fine not exceeding three thousand ringgit or to both.



False oath, etc., for procuring marriage

38. Any person who for the purpose of procuring any marriage under this Act intentionally makes any false declaration or signs any false notice or certificate required by this Act shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding three years or to a fine not exceeding three thousand ringgit or to both.

False allegation in caveat

39. (1) Any person who enters a caveat against the issue by a Registrar of a certificate for marriage and makes any false representation in or in support of the caveat knowing or believing such representation to be false or not having reason to believe it to be true, shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding three years or to a fine not exceeding three thousand ringgit or to both.

(2) Any person who enters a caveat against the issue of a certificate for marriage and pretends or falsely represents himself to be a person whose consent to the marriage is required by law knowing or believing such pretence or representation to be false or not believing it to be true shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding three years or to a fine not exceeding three thousand ringgit or to both.

Unauthorized solemnization of marriages

40. Any person who, not being authorized thereto under this Act, solemnizes or purports to solemnize any marriage, shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding ten years and to a fine not exceeding fifteen thousand ringgit.

Offences relating to solemnization of marriages

41. [...]

(2) Any Registrar who knowingly and contrary to this Act issues any certificate for marriage— [...] (b) when a caveat has been entered under section 19 without having first complied with section 20; or (c) contrary to section 16, shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding three years and to a fine not exceeding five thousand ringgit.

(3) Any person who marries or purports to marry or goes through a form of marriage with any person contrary to any of the provisions of Part III shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding three years and to a fine not exceeding five thousand ringgit.

#### [Act to amend the Law Reform \(Marriage and Divorce\) Act, 1976](#)

Amendment of section 12.

Subsection 12(1) of the principal Act is amended—

(a) in paragraph (a), by inserting after the words “her father” the words “or mother”;

(b) in paragraph (b), by deleting the words “or his or her father is dead”; and

(c) by substituting for paragraph (c) the following paragraph: “(c) if the person is an adopted child, of his or her adopted father or adopted mother; or”.

#### [Islamic Family Law \(Federal Territories\) Act 1984](#)

Application

4. Save as is otherwise expressly provided, this Act shall apply to all Muslims living in the Federal Territory and to all Muslims resident in the Federal Territory who are living outside the Federal Territory.

[...]

6. (1) Nothing in this Act shall affect the validity of any Muslim marriage solemnized under any law wheresoever prior to the appointed date.

(2) Such marriage, if valid under the law under which it was solemnized, shall be deemed to be registered under this Act. [...]

## PART II MARRIAGE

Persons by whom marriages may be solemnized

7. (1) A marriage in the Federal Territory shall be in accordance with the provisions of this Act and shall be solemnized in accordance with Hukum Syarak by--

(a) the wali in the presence of the Registrar;

(b) the representative of the wali in the presence and with the permission of the Registrar; or

(c) the Registrar as the representative of the wali.

(2) Where a marriage involves a woman who has no wali from nasab in accordance with Hukum Syarak, the marriage shall be solemnized only by the wali Raja.

Minimum age for marriage

8. No marriage may be solemnized under this Act where either the man is under the age of eighteen or the woman is under the age of sixteen except where the Syariah Judge has granted his permission in writing in certain circumstances.

Void marriages

11. A marriage shall be void unless all conditions necessary, according to Hukum Syarak, for the validity thereof are satisfied.

Non-registrable marriages

12. (1) A marriage in contravention of this Act shall not be registrable under this Act.

(2) Notwithstanding subsection (1) and without prejudice to subsection 40(2), a marriage which has been solemnized contrary to any provision of this Part but is otherwise valid according to Hukum Syarak may be registered under this Act with an order from the Court.

Consent required

13. A marriage shall not be recognized and shall not be registered under this Act unless both parties to the marriage have consented thereto, and either--

(a) the wali of the woman has consented thereto in accordance with Hukum Syarak; or

(b) the Syariah Judge having jurisdiction in the place where the woman resides or any person generally or specially authorized in that behalf by the Syariah Judge has, after due inquiry in the presence of all parties concerned, granted his consent thereto as wali Raja in accordance with Hukum Syarak; such consent may be given wherever there is no wali by nasab in accordance with Hukum Syarak available to act or if the wali cannot be found or where the wali refuses his consent without sufficient reason.

[...]

Betrothal

15. If any person has, either orally or in writing, and either personally or through an intermediary, entered into a betrothal in accordance with Hukum Syarak, and subsequently refuses without lawful reason to marry the other party, the other party being willing to marry, the party in default shall be liable to return the betrothal gifts, if any, or the value thereof and to pay whatever moneys have been expended in good faith by or for the other party in preparation for the marriage, and the same may be recovered by action in the Court.

Reference to and action by Syariah Judge

18. (1) In any of the following cases, that is to say—

(a) where either of the parties to the intended marriage is below the age specified in section 8; or

(b) where the woman is a janda to whom subsection 14(3) applies; or

(c) where the woman has no wali from nasab, according to Hukum Syarak,

the Registrar shall, instead of acting under section 17, refer the application to the Syariah Judge having jurisdiction in the place where the woman resides.

(2) The Syariah Judge on being satisfied of the truth of the matters stated in the application and the legality of the intended marriage and that the case is one that merits the giving of permission for the purposes of section 8, or permission for the purposes of subsection 14(3), or his consent to the marriage being solemnized by wali Raja for the purposes of paragraph 13(b), as the case may be, shall, at any time after reference of the application to him and upon payment of the prescribed fee, issue to the applicants his permission to marry in the prescribed form.

[...]

33.

[...]

(6) The Registrar shall not register a marriage under this section if he is satisfied that the marriage is void under this Act.

#### PART IV PENALTIES AND MISCELLANEOUS PROVISIONS RELATING TO THE SOLEMNIZATION AND REGISTRATION OF MARRIAGES

[...]

37. Unless permitted under Hukum Syarak, any person who uses any force or threat--

(a) to compel a person to marry against his will; or

(b) to prevent a man who has attained the age of eighteen years or a woman who has attained the age of sixteen years from contracting a valid marriage,

commits an offence and shall be punished with a fine not exceeding one thousand ringgit or with imprisonment not exceeding six months or both.

False declaration or statement for procuring marriage

38. Any person who for the purpose of procuring any marriage under this Act intentionally makes any false declaration or statement commits an offence and shall be punished with a fine not exceeding one thousand ringgit or with imprisonment not exceeding six months or both.

Unauthorized solemnization of marriage

39. Any person who, not being authorized thereto under this Act, solemnizes or purports to solemnize any marriage, commits an offence and shall be punished with a fine not exceeding one thousand ringgit or with imprisonment not exceeding six months or both.

Offences relating to solemnization of marriage

40. [...]

(2) Any person who marries, or purports to marry, or goes through a form of marriage with any person contrary to any of the provisions of Part II commits an offence and shall be punished with a fine not exceeding one thousand ringgit or with imprisonment not exceeding six months or both.

Sanction for prosecution

41. No prosecution for an offence under sections 35 to 40 shall be instituted except with the sanction in writing of the Chief Syariah Prosecutor. [...]

[Islamic Family Law \(State of Selangor\) Enactment 2003](#)

[Islamic Family Law \(State of Penang\) Enactment 2004](#)

[Administration of Islamic Family Law \(Terengganu\) Enactment 1985](#)

[Islamic Family Law \(Sarawak\) Ordinance 2001](#)

MALDIVES

[Family Act, 2000](#)

Article 3. Solemnization of marriage

a. A marriage may be solemnized in the Maldives only by a judicial mauzun in the presence of the judicial guardian of the bride and two witnesses in addition to the man and woman desire of contracting the marriage and only upon an offer to marry being made by one of the parties to that marriage and that offer being accepted by the other and having received in accordance with this Act the consent of the judicial guardian of the bride, and having completed all other formalities required to be completed in respect of a marriage solemnized in accordance with this Act.

b. The judicial guardian of the bride shall for the purposes of subsection (a) of this section shall be deemed to be present at the solemnization of the marriage where Judicial Consent in circumstances provided in subsection (b) of section 9 of this Act is received by the Judicial Mauzun in accordance with sub section (c) of that section or in circumstances where the consent of the judicial guardian of the bride has been delegated to another, then by the presence of that person.

Article 4. Minimum age for marriage

a. Except in those circumstances provided in subsection (b) of this section, a marriage under this Act may be solemnized only where each of the persons entering into the marriage has completed 18 years of age in accordance with the Gregorian Calendar.

b. Where a person who has not completed 18 years of age in accordance with the Gregorian Calendar makes an application to marry, the Registrar of Marriages has the discretion, where that person has attained puberty, to grant approval to the solemnization of that marriage upon having considered the person's physical well being, competence to maintain a livelihood, and reasons for contracting the marriage.

Article 9. Consent and Wali

a. A marriage may be solemnized and registered under this Act only where there exists the consent of the parties to the marriage to contract that marriage. And where there exists consent of the judicial guardian of the bride or Judicial Consent obtained in accordance with subsection (b) of this section.

b. Where the consent of the judicial guardian of the bride may not be obtained due to any of the following circumstances, the marriage may be solemnized with Judicial Consent:

- (i) No person capable of being the judicial guardian by lineage is alive;
- (ii) Consent is withheld by judicial guardian without reasonable cause;
- (iii) Whereabouts of the judicial guardian is not determinable;
- (iv) Judicial guardian lacks requisite conditions to grant consent.

c. Where the existence of a circumstance mentioned in subsection (b) of this section is established before the Court and where Judicial Consent is required for solemnizing the marriage, such Judicial Consent shall be entrusted in accordance with the Rules made under this Act to the Judicial Mauzun responsible for solemnizing that marriage.

#### Article 13. Void marriages

Every marriage that is in want of conditions required under Shari'ah for a valid marriage shall be void.

#### Article 70. Acts in contravention of this Act

Except in relation to a person who commits an offence for which specific penalties have been prescribed in this Act, every person who acts in contravention of a directive or 27th December 2004 26 prohibitive provision of this Act shall be subjected to a fine not exceeding Mrf. 1,000.00 or exile for a period not exceeding 6 months.

#### [Child Rights Protection Act, 2019](#)

The Act prohibits marriage of anyone under the age of 18.

#### [Domestic Violence Act, 2012](#)

##### Part 3 Definitions

##### Domestic relationship

3. (a) "Domestic relationship" shall mean a relationship between persons in any of the following ways: [...]  
(4) Persons who are family members related by consanguinity, affinity or marriage; [...]

##### Acts of domestic violence

4. (a) For the purposes of this Act, "domestic violence" shall mean any of the following acts by a perpetrator where such conduct harms, or may cause imminent harm to, the safety, health or wellbeing of the victim(s), and provided the victim(s) and perpetrator are in a domestic relationship: [...]  
(14) coercing, intimidating or forcing the victim to commit an act which such person would not have consented to or committed by their own volition; [...]

##### Principles applicable to applications for orders made by minors

20. (a) Even though this Act requires a minor to make their application for a protection order through a minor's parent, guardian or caretaker of the child concerned or by any other person under Section 8(b) of this Act, such application shall not be construed in a way that would bar the court from hearing the testimony of such minor.  
[...]

##### Application for orders made by emancipated minors

21. Despite the provisions on this Act, an emancipated minor (under the age of 18 and who is married) shall make his or her own application for the protection order without the intermediation of the emancipated minor's parent, guardian or caretaker of the child concerned or by any other person under Section 8(b) of this Act.

#### MONGOLIA

#### [Family Law, 1999](#)

## CHAPTER ONE: GENERAL PROVISIONS

### Article 2. Family legislation

2.1. The legislation of Mongolia shall consist of the Constitution of Mongolia, the Civil Code, this Law and other legislative acts enacted in conformity therewith.

2.2. If an international treaty to which Mongolia is a party is inconsistent with this law, then the provisions of the international treaty shall prevail.

### Article 3. Definitions of the law

3.1. The terms used in this law shall have the following meanings:

3.1.1. "Marriage" means the registration of a male or female adult, legally established, legally registered in the competent state authority in accordance with law for the purpose of becoming a member of the family on a voluntary, free and equal basis; [...]

### Article 4. Principles of marriage and family relations

4.1. The marriage should be equal and voluntary.

[...]

## CHAPTER TWO: GROUNDS FOR MARRIAGE RELATIONS, CONDITIONS AND PROCEDURES FOR MARRIAGE, DIVORCE

### Article 6. Marriage conditions

6.1. Mongolian [...] citizens, aged 18 and over, or a Mongolian citizen with a foreign citizen or a stateless person may marry by mutual consent in Mongolia unless this contradicts article 9.1 of this law.

[...]

6.4. If a citizen of Mongolia is married to a Mongolian citizen, foreign citizen or stateless person outside the territory of another country in accordance with that country's law, [the marriage] shall be deemed valid in Mongolia unless otherwise stipulated in Article 9 of this law.

[...]

### Article 9. Impediments to marriage

9.1. The following circumstances [are] impediments to marriage: [...]

9.1.2. if both spouses, or one of them, are less than the minimum age specified in Article 6.1;

[...]

9.2. If the [minor has acquired] full legal capacity in accordance with the Civil Code, then article 9.1.2 of this law shall not apply.

## CHAPTER THREE: VOID MARRIAGE, DIVORCE AND THEIR CONSEQUENCES

### Article 16. Void marriage

16.1. If a marriage that violates article 9 of the present law was registered without the intention of being married, the court shall declare the marriage void by request of either spouse, those whose rights have been violated or institutions protecting children's rights and interests.

16.2. A court may dismiss this lawsuit if a minor has been granted full legal capacity in accordance with the Civil Code or if the spouses did not agree on the invalidation of their marriage.

## [Law on Civil State Registration \(revised 2018\)](#)

### Article 7. Registration of Marriage

7.1. Applicants for marriage shall submit and personally register in registration of marriage the following documents:

[...]

7.1.2. Applicants' citizen identity cards, or passports or their substitute documents of foreign citizens or stateless persons;

7.1.3. Medical examination description of applicants referred in Article 8 of the Family Law.

7.2. When considering a minor with full legal capability in accordance with Paragraph 15.2 of the Civil Code, the relevant court decision shall be enclosed to the documents specified in Paragraph 7.1 of this Law. [...]

7.7. Marriage certificate shall include the following: [...]

7.7.3. Fiance's citizenship, date of birth, family name, surname and given name;

[...]

7.7.5. Fiancee's citizenship, date of birth, family name, surname and given name; [...]

7.8. If there are impediments to marriage specified in Article 9 of the Family Law, the registration of marriage shall be denied.

## MYANMAR

### [Child Rights Law, 2019](#)

Article 3 (d) (defines child as anyone under 18 years of age). The law also sets the minimum age for marriage at 18.

## NEPAL

### [Constitution, 2015](#)

#### **Article 39- Rights of Child:**

(5) No child shall be subjected to child marriage, transported illegally, and kidnapped or taken hostage.

[...]

(10) Any act contrary to clause (5)(6) (7) shall be punishable by law, and a child who is the victim of such act shall have the right to obtain compensation from the perpetrator, in accordance with the law.

#### **Article 38-Rights of Women:**

[...]

(3) No woman shall be subjected to physical, mental, sexual, psychological, or other form of violence or exploitation on grounds of religion, social, cultural tradition, practice or on any other grounds. Such act shall be punishable by law, and the victim shall have the right to obtain compensation in accordance with law.

### [National Civil \(Code\) Act, 2017](#)

**Section 67- Marriage deemed to be concluded:** If a man and a woman accept each other as the husband and wife through any occasion, ceremony, formal or other act, a marriage shall be deemed to have been concluded.

**Section 70-Marriage may be concluded:**

(1) Subject to this Chapter, a marriage may be concluded between a man and a woman on the following conditions:

(a) If the man and the woman agree to accept each other as husband and wife,  
[...]

**(d) If both have attained twenty years of age.**

(2) Notwithstanding anything contained in clause (b) of sub-section (1), nothing shall bar the conclusion, or causing the conclusion of, a marriage within the relationship that is allowed to marry in accordance with the practices prevailing in their ethnic community or clan.

**Section 72-Marriage to be void (Amended):**

(1) A marriage concluded on any of the following conditions shall, ipso facto, be void:

(a) A marriage concluded without consent of the man or the woman,  
[...]

(c) Marriage concluded against section 70(1)(d)

(2) A marriage concluded pursuant to sub-section (1) shall be invalid ab initio.

**Section 73-Voidable marriage:**

(1) If a marriage is concluded in any of the following circumstances and any person who concludes such a marriage does not accept it, the person may get such a marriage voided:

(a) If the marriageable age set forth in clause (d) of sub-section (1) of Section 70 has not been completed,  
(b) If the marriage has been concluded, or caused to be concluded, by way of misrepresentation pursuant to sub-section (2) of Section 71.

(2) Notwithstanding anything contained in sub-section (1), a marriage shall be void only with the consent of the woman if she is pregnant or has delivered a baby as the consequence of the marriage.

**Section 74-Marriage to be deemed concluded if child is born from physical intercourse (amended):**

(1) if a woman is proved to have delivered a child by conceiving pregnancy from physical intercourse with a man, marriage between such a man and a woman shall, ipso facto, be deemed to have been concluded.

(2) no marriage shall be deemed to have been concluded between a man and a woman in any of the following circumstances even if a child is born from physical intercourse with the man:

[...]

(c) marriage concluded against 70 (1) (d).

[National Penal \(Code\) Act, 2017](#)

**Section 171-Prohibition of concluding marriage without consent:**

(1) No marriage shall be concluded, or caused to be concluded, without the consent of the persons getting married.

(2) A marriage concluded without the consent referred to in sub-section (1) shall be void.

(3) A person who commits the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding two years and a fine not exceeding twenty thousand rupees.

Explanation: For the purposes of this Section, a consent given by a person who has not attained the marriageable age under Section 173 shall not be deemed to be consent.



**Section 173-Prohibition of concluding child marriage:**

(1) No marriage shall be concluded or cause to be concluded unless parties to the marriage have attained twenty years of age.

(2) A marriage concluded in contravention of sub-section (1) shall, ipso facto, be void.

(3) A person who commits the offence referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding three years and a fine not exceeding thirty thousand rupees.

[The Act Relating to Children, 2018](#)

**Section 2-Definitions:**

[...]

(j) Children means persons who have not completed the age of eighteen years.

**Section 66- Offences against the Child:**

(1) If any person does any act of violence referred to in sub-section (2), he or she shall be deemed to have committed the offence against the child under this Act.

(2) If any person does any of the following acts against a child, he or she shall be deemed to have committed the act of violence against the child:

[...]

(o) To fix his or her marriage, or marry, or cause to marry, him or her.

**Section 72-Punishment:**

(3) A person who commits the offence against the child shall be liable to the following punishment, according to the degree of the offence:

[...]

(b) In the case of the commission of any act referred to in clause (o) of sub-section (2) of Section 66, a fine of up to seventy-five thousand rupees and imprisonment for up to three years.

**Section 73- Compensation (1):** The juvenile court shall cause the recovery of a reasonable compensation in lump sum or instalments from the offender to the victim child that is not less than the amount of fine imposed on the offender committing the offence against the child under this Act and the prevailing law, having regard to, inter alia, the loss caused to the education, and physical and mental health, development and family of the child victim.

**NORTH KOREA**

[Family Law of the Democratic People's Republic of Korea, 1990 \(as amended\)](#)

**Article 8 (Free marriage and monogamy)**

Citizens have the right to free marriage. Marriage may be done only between one man and one woman.

**Article 9 (Age of marriage)**

Marriage in the Democratic People's Republic of Korea is allowed from 18 years for men and from 17 years for women. The State encourages a societal ethos that young people will marry after working worthily for the nation, the people, the society and the group.

**Article 13 (Nullity of marriage)**

Marriages that violate Articles 8 to 10 of this law are null. The recognition of nullity of a marriage shall be done by a court.

## OMAN

### [Personal Status Law, 1997](#)

Article 7: Completion of eligibility for marriage with reason, and the completion of eighteen years of age.

Article 10:

A- If a person who has completed eighteen years of age requests marriage and his guardian refuses to marry him off, he may refer the matter to the judge.

B- The judge sets a period for the guardian to appear during which he states his statements.

C- Subject to the provisions of Paragraph (B) of this Article, a person who has not completed eighteen years of age shall not marry without the permission of the judge and after verifying the interest.

Article 17:

Taking into account the provisions of Article (19) of this law, the marriage contract is concluded with the offer of one of the contracting parties and the acceptance of the other, with full consent, with words that convey the meaning of language or custom, and in the event of inability to pronounce, writing takes its place.

Article 19:

The woman's guardian undertakes the marriage contract with her consent

## PAKISTAN

### [Child Marriage Restraint Act, 1929](#)

1. Short titled, extent and commencement. (1) This Act may be called the Child Marriage Restraint Act (1929).

(2) It extends to the whole of Pakistan and applies to all citizens of Pakistan wherever they may be.

(3) It shall come into force on the 1st day of April, 1939.

2. Definitions. In this Act, unless there is anything repugnant in the subject or context,\_\_\_

(a) "child" means a person who, if a male, is under 18 years of age, and if a female, is under [sixteen] years of age;

(b) "child marriage" means a marriage to which either of the contracting parties is a child;

[...]

(d) "minor" means a person of either sex who is under eighteen years of age [...]

4. Punishment for male adult above twentyone years of age marrying a Child. Whoever, being a male above 2 [eighteen] years of age, contracts a child marriage shall be punishable with simple imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

5. Punishment for Solemnising a child marriage. Whoever performs, conducts or directs any child marriage shall be punishable with simple imprisonment which may extend to one month, or with fine which may

extend to one thousand rupees, or with both, unless he proves that he had reason to believe that the marriage was not a child marriage.

6. Punishment for parent or guardian concerned in a child marriage. \_\_\_

(1) Where a minor contracts a child marriage, any person having charge of the minor, whether as parent or guardian or in any other capacity, lawful or unlawful, who does any act to promote the marriage or permits it to be solemnised, or negligently fails to prevent it from being solemnised, shall be punishable with simple imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both: Provided that no woman shall be punishable with imprisonment.

(2) For the purposes of this section, it shall be presumed, unless and until the contrary is proved, that where a minor has contracted a child marriage, the person having charge of such minor has negligently failed to prevent the marriage from being solemnised.

8. Jurisdiction under this Act. Notwithstanding anything contained in section 90 of the Code of Criminal Procedure, 1898, no Court other than that of a Magistrate of the First Class shall take cognizance of or try any offence under this Act.

9. Mode of taking cognizance of offence. No Court shall take cognizance of any offence under this Act except on a complaint made by the Union Council, or if there is no Union Council in the area, by such authority as the Provincial Government may in this behalf prescribe, and such cognizance shall in no case be taken after the expiry of one year from the date on which the offence is alleged to have been committed.

10. Preliminary inquiries into offences under this Act. The Court taking cognizance of an offence under this Act shall, unless it dismisses the complaint under section 203 of the Code of Criminal Procedure, 1898, either itself make an inquiry under section 202 of that Code or direct a Magistrate of the First Class subordinate to it to make such inquiry.

[...]

12. Power to issue injunction prohibiting marriage in contravention of this Act. (1) Notwithstanding anything to the contrary contained in this Act, the Court may, if satisfied from information laid before it through a complaint or otherwise that a child marriage in contravention of this Act has been arranged or is about to be solemnized, issue an injunction against any of the persons mentioned in sections 3, 4, 5 and 9 of this Act prohibiting such marriage. (2) No injunction under sub-section (1) shall be issued against any person unless the Court has previously given notice to such person, and has afforded him an opportunity to show-cause against the issue of the injunction. (3) The Court may either on its own motion or on the application of any person aggrieved, rescind or alter any order made under sub-section (1). (4) Where such an application is received, the Court shall afford the applicant an early opportunity of appearing before it either in person or by pleader, and if the Court rejects the application wholly or in part, it shall record in writing its reasons for so doing. (5) Whoever, knowing that an injunction has been issued against him under sub-section (1) of this section disobeys such injunction shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both: Provided that no woman shall be punishable with imprisonment.

### [Sindh Child Marriages Restraint Act, 2013](#)

2. In this Act, unless there is anything repugnant in the subject or context –

(a) "child" means a person male or female who is under eighteen years of age;

(b) "child marriage" means a marriage to which either of the contracting party is a child;

3. Whoever, being a male above eighteen years of age, contracts a child marriage shall be punished with rigorous imprisonment which may extend to three years but shall not be less than two years and shall be liable to fine.

4. Whoever performs, conducts, directs, brings about or in any way facilitates any child marriage shall be punished with rigorous imprisonment which may extend to three years but shall not be less than two years and shall also be liable to fine, unless he proves that he had reason to believe that the marriage was not a child marriage.

5. (1) Where a parent or guardian or any other person in any capacity, lawful or unlawful, does any act to promote the child marriage or permits it to be solemnized, or fails to prevent it negligently, from being solemnized, shall be punished with rigorous imprisonment which may extend to three years but shall not be less than two years and shall also be liable to fine.

(2) For the purposes of this section, it shall be presumed, until contrary is proved, that where a child has been contracted into a marriage, a person having charge of such child failed to prevent the marriage from being solemnized.

6. Notwithstanding anything contained in section 190 of the Code, no court other than the Court of a Judicial Magistrate of First Class shall take cognizance of or try any offence under this Act.

7. (1) Notwithstanding anything to the contrary contained in any other law, the court may, if satisfied from information laid before it through an application that a child marriage in contravention of this Act is going to be arranged or is about to be solemnized, issue an injunction prohibiting such marriage.

(2) No injunction under sub-section (1), shall be issued against any person unless the Court has previously given notice to such person, and has afforded him an opportunity to show cause against the issue of the injunction. The Court may dispense with notice if deemed necessary.

(3) The Court may, either on its own motion or on an application of any person, rescind or alter any order made under sub-section (1).

(4) Where an application is received, the Court shall afford an opportunity of appearing before it either in person or by pleader; and if the Court rejects the application wholly or in part, it shall record in writing its reasons for so doing.

(5) Whoever, knowing that an injunction has been issued against him under sub-section (1) of this section, disobeys such injunction, shall be punished with imprisonment of either description for a term which may extend to one year or fine or with both.

8. Notwithstanding anything contained in the Code, an offence punishable under this Act shall be cognizable, non-bailable and noncompoundable.

9. The Court shall on taking cognizance of a case proceed with the trial and conclude the case within ninety days  
[...]

11. No suit, prosecution or other legal proceedings shall lie, against any person in respect of anything which is in good faith done or intended to be done under this Act.

13. (1) The provisions of the Child Marriage Restraint Act, 1929, relating to the Province of Sindh are hereby repealed.

[...]

#### [The Balochistan Child Protection Act, 2016](#)

2. (1) In this Act,

[...]

(e) “Child” means a person, either girl or boy, below the age of 18 years; [...]

5. A child in need of protection shall include any child who has been subjected to, is subject to, or is under serious threat of being subjected to:-

(a) physical violence or injury; (b) mental violence; (c) neglect or negligent treatment; (d) maltreatment; (e) exploitation; and (f) sexual abuse or sexual exploitation while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

6. The Court may restrict the exercise of parental custody and control of a child in need when the child is the subject of an interim or final Custody and Placement Order.

[...]

#### PHILIPPINES

#### [Act Prohibiting the Practice of Child Marriage and Imposing Penalties, 2021](#)

**SECTION 1. Declaration of State Policy.** – Consistent with Section 13, Article II of the Philippine Constitution, the State recognizes the vital role of the youth in nation-building and promotes and protects their physical, moral, spiritual, intellectual, and social well-being. In the pursuit of this policy, the State shall abolish all traditional and cultural practices and structures that perpetuate discrimination, abuse, and exploitation of children such as the practice of child marriage.

Further, the State recognizes the role of women in nation-building and shall therefore protect and promote their empowerment. This entails the abolition of the unequal structures and practices that perpetuate discrimination and inequality.

The State affirms the human rights of children consistent with its obligations under (1) international conventions to which the Philippines is a State Party, including the (a) Universal Declaration of Human Rights; (b) Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages; (c) UN Convention on the Rights of the Child; (d) Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); (e) Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography; and (f) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and (2) domestic laws like Republic Act No. 7610, otherwise known as the “Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act”.

The State affirms that marriage shall be entered into only with the free and full consent of capacitated parties, and child betrothal and marriage shall have no legal effect.

Pursuant to these policies, the State thus views child marriage as a practice constituting child abuse because it debases, degrades, and demeans the intrinsic worth and dignity of children.

**SEC. 2. Interpretation of this Act.** – In the interpretation of this Act, the best interests of the child shall be the primary consideration.

**SEC. 3. Definition of Terms.** – As used in this Act:

(a) Child refers to any human being under eighteen (18) years of age, or any person eighteen (18) years of age or over but who is unable to fully take care and protect oneself from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition;

(b) Child marriage refers to any marriage entered into where one or both parties are children as defined in the paragraph above, and solemnized in civil or church proceedings, or in any recognized traditional, cultural or customary manner. It shall include an informal union or cohabitation outside of wedlock between an adult and a child, or between children;

(c) Guardians refer to relatives or individuals taking custody of a child in the absence of the parents, or anyone to whom a child is given or left for care or custody, whether permanent or temporary; or persons judicially appointed by a competent court as guardians;

(d) Parents refer to biological parents/· or adoptive parents; and

(e) Solemnizing officer refers to any person authorized to officiate a marriage under Executive Order No. 209, otherwise known as “The Family Code of the Philippines,” or recognized to celebrate marriages by reason of religion, tradition, or customs.

**SEC. 4. Unlawful Acts.** – The following are declared unlawful and prohibited acts:

(a) Facilitation of Child Marriage. – Any person who causes, fixes, facilitates, or arranges a child marriage shall suffer the penalty of *prision mayor* in its medium period and a fine of not less than Forty thousand pesos (P40,000.00): *Provided, however,* That should the perpetrator be an ascendant, parent, adoptive parent, step parent, or guardian of the child, the penalty shall be *prision mayor* in its maximum period, a fine of not less than Fifty thousand pesos (P50,000.00), and perpetual loss of parental authority: *Provided, further,* That any person who produces, prints, issues and/or distributes fraudulent or tampered documents such as birth certificates, affidavits of delayed registration of birth and/or foundling certificates for the purpose of misrepresenting the age of a child to facilitate child marriage or evade liability under this Act shall be liable under this section, without prejudice to liability under other laws: *Provided, finally,* That if the perpetrator is a public officer, he or she shall be dismissed from the service and may be perpetually disqualified from holding office, at the discretion of the courts;

(b) Solemnization of Child Marriage. – Any person who performs or officiates a child marriage shall suffer the penalty of *prision mayor* in its maximum period and a fine of not less than Fifty thousand pesos (P50,000.00): *Provided, however,* That if the perpetrator is a public officer, he or she shall be dismissed from the service and may be perpetually disqualified from holding office, at the discretion of the courts; and

(c) Cohabitation of an Adult with a Child Outside Wedlock. – An adult partner who cohabits with a child outside wedlock shall suffer the penalty of *prision mayor* in its maximum period and a fine of not less than Fifty thousand pesos (P50,000.00): Provided, however, That if the perpetrator is a public officer, he or she shall likewise be dismissed from the service and may be perpetually disqualified from holding office, at the discretion of the courts: Provided, finally, That this shall be without prejudice to higher penalties that may be imposed in the Revised Penal Code and other special laws.

**SEC. 5. Public Crimes.** The foregoing unlawful and prohibited acts are deemed public crimes and can be initiated by any concerned individual.

**SEC. 6. Legal Effect of a Child Marriage.** – Child marriage is void *ab initio*, and the action or defense for the declaration of absolute nullity of a child marriage shall not prescribe in accordance with Articles 35 and 39 of The Family Code of the Philippines. Articles 50 to 54 of The Family Code of the Philippines shall govern on matters of support, property relation, and custody of children after the termination of the child marriage.

**SEC. 7. Enabling Social Environment.** – To reinforce the prohibition and criminalization of child marriage, the government shall create an enabling social environment where the practice of child marriage shall not thrive, and for such purpose, the following policies shall be implemented, particularly for girls: (a) empowerment of children through the provision of information, skills and support networks; (b) enhancement of children’s access to and completion of quality education; (c) provision of economic support and incentives to children and their families; and (d) application of strategic interventions to influence and empower parents and community leaders to discourage and eradicate the practice of child marriage.

Culturally-appropriate and comprehensive programs and services shall be formulated by the Department of Social Welfare and Development (DSWD) in coordination with the government agencies identified in Section 8 of this Act as duty bearers and with concerned civil society organizations (CSOs) and nongovernment organizations (NGOs). This shall be made and initiated by the DSWD within six (6) months from the effectivity of this Act.

**SEC. 8. Implementing Government Agencies as Duty Bearers.** – The provisions of this shall be fully and promptly implemented by the following government departments and agencies with their respective jurisdictions:

a) DSWD – shall take the lead in the implementation of this Act and create programs that will address the prevalence of child marriage and provide appropriate services, including but not limited to legal services, health services, psychosocial services, counseling, educational, livelihood and skills development, temporary shelter and all other assistance necessary to protect victims of child marriage and their offspring. It shall include awareness campaigns on the negative effects of child marriage;

(b) Council for the Welfare of Children (CWC) – shall work closely with the DSWD in strengthening policies and creating programs to prohibit and end child marriage. It shall include the advocacy to prevent child marriage in the Philippine Plan of Action to End Violence Against Children (PPAEVAC);

(c) Department of Justice (DOJ) – shall ensure that the penal provisions of this Act are carried out and provide access to justice and legal services to victims through the Public Attorney’s Office (PAO);

(d) Department of the Interior and Local Government (DILG ) – shall institute a systematic information and prevention campaign against child marriage through barangay-level education programs and initiatives that are culturally-sensitive and child-centered. The DILG shall also mandate local government units (LGUs) to provide basic interventions for the rescue, recovery, rehabilitation and support of victims of child marriages and their offspring; and establish a system of reporting cases of child marriage;

(e) Department of Education (DepEd) – shall include culturally-sensitive and age-appropriate modules and discussions on the impacts and effects of the child marriage in its comprehensive sexuality education curriculum;

(f) Department of Health (DOH) – shall ensure access to health services for the prevention of child marriage by providing sexual and reproductive health services and mental health services for children in child marriages, and appropriate health services for their offspring;

(g) Supreme Court of the Philippines – shall organize training programs for all relevant courts on the prevention of child marriage and other provisions of this Act and shall ensure strict application of the law and its interpretation in the best interests of the child.;

(h) Philippine Commission on Women (PCW) – shall integrate dissemination of the provisions of this Act in programs on public awareness and behavior-change communications;

(i) Commission on Human Rights (CHR) – shall monitor the implementation of this Act as Gender Ombud and through its Child Rights Center/Desk;

(j) National Commission on Muslim Filipinos (NCMF) – shall include in its program of action awareness-raising campaigns within Muslim communities on the impacts and effects of child marriage in the overall health and development of children, monitor and report cases of child marriages in communities under its jurisdiction, ensure the faithful implementation of this Act and its interpretation in the best interests of the child; and

(k) National Commission for Indigenous Peoples (NCIP) shall include in its program of action awareness-raising campaigns within indigenous cultural communities/indigenous peoples on the impacts and effects of child marriage in the overall health and development of children, monitor and report cases of child marriages in communities” under its jurisdiction, ensure the faithful implementation of this Act and its interpretation in the best interests or the child.

**SEC. 9. Participation of Women, Girls, Youth Organizations, and Civil Society Organizations.** – Implementing government agencies shall ensure continuing consultations with women, girls, and youth organizations as well as CSOs, whose full and active participation shall be guaranteed in every step and stage of decision-making processes.

**SEC. 10. Implementing Rules and Regulations.** – Within sixty (60) days from the effectivity of this Act, the DSWD as lead agency shall, in coordination with the DOH, the DepEd, the CWC, the NCMF, the NCIP, and one (1) representative each from CSOs representing women, children, Muslim Filipinos, and indigenous cultural communities/indigenous peoples, and in consultation with other concerned government agencies and stakeholders, promulgate rules and regulations to implement this Act.



**SEC. 11. Transitory Provision.** – Within one (1) year from the effectivity of this Act, the NCMF and NCIP shall extensively undertake measures and programs in their respective jurisdictions to assure full compliance with this Act. During the transition period of one (1) year, the application of Section 4(a) and (b), and Section 5 of this Act to Muslim Filipinos and indigenous cultural communities/indigenous peoples shall be suspended.

**SEC. 12. Separability Clause.** – If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected thereby shall remain in full force and effect.

**SEC. 13. Repealing Clause.** – All laws, decrees, executive orders, issuances, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

**SEC. 14. Effectivity.** – This Act shall take effect within, fifteen (15) days after its publication in the Official Gazette or in one (1) newspaper of general circulation.

## QATAR

### [Family Law, 2006](#)

#### **Article 12:**

For the marriage contract to be valid, the following are required:

- 1- The capacity of the spouses and their freedom from legal impediments.
- 2- The offer, acceptance, and fulfilment of the conditions of their validity.
- 3- The guardian on his terms in accordance with this law.
- 4- Certification of the conditions.

**Article 17:** Males are not allowed to enter into marriage contracts before the age of eighteen (18). Females are not allowed to enter into marriage contracts before the age of sixteen (16). All marriages of males and females over the age of eighteen (18) and sixteen (16) respectively shall only be allowed after the approval of the guardian, verification of the consent from both parties to the contract and the permission of a competent Judge.

**Article 26:** The guardian in marriage is the father, then the grandfather, then the son, then the brother, then the brother's uncle.

The guardian is required to be a male, sane, adult, not prohibited for Hajj or Umrah, and a Muslim if the guardianship is over a Muslim woman.

**Article 29:** Marriage occurs following the permission of the judge with the guardianship of the farthest guardian in the following two cases:

- 1- If the closest guardian disqualifies the woman, or if there are several guardians, and they are all of the same degree, and they abstain, or disagree.
- 2- If the closest guardian is absent, and the judge estimates that pending his opinion, interest in the marriage would be lost.

## SAUDI ARABIA

### [Executive Regulations of Child Protection Law](#)

Article (1): In the implementation of the provisions of this Law, and whenever stated, the following words and expressions shall have the meanings assigned against each unless the context requires otherwise

1. Child: Every human being below the age of eighteen.

[...]

5. Child: Every human being below the age of eighteen. The age is proven by birth certificate, national ID, family register, or any other official document, if the official identification documents are not available; the age is estimated by one of the accredited medical authorities.

16.3 Before carrying out the marriage contract, it is necessary to ensure that the marriage of a person under the age of eighteen shall not harm any of the couple – male or female and achieves their best interest.

## SINGAPORE

### [Women's Charter, 1961 \(as revised in 2020\)](#)

#### Interpretation

2.—(1) In this Act, unless the context otherwise requires —

[...]

“minor” means a person who is below 21 years of age and who is not married or a widower or widow; [...]

#### Avoidance of marriages where either party is under minimum age for marriage

9. A marriage solemnised in Singapore or elsewhere between persons either of whom is below 18 years of age is void unless the solemnisation of the marriage was authorised by a special marriage licence granted by the Minister under section 21.

#### Consents

13.—(1) Subject to this section, a marriage licence under section 17 or a special marriage licence under section 21 for the marriage of a minor must not be issued or granted without the consent of a person mentioned in the Second Schedule who is authorised to give such consent.

(2) If the Registrar or, in the case of a proposed marriage by special marriage licence, the Minister is satisfied that the consent of any person whose consent is so required cannot be obtained by reason of absence or inaccessibility or by reason of the person being under any disability —

(a) the necessity for the consent of that person is dispensed with, if there is any other person whose consent is also required; and

(b) if the consent of no other person is required, the Registrar or the Minister may dispense with the necessity of obtaining any consent, or the court may, on application being made, consent to the marriage, and the consent of the court so given has the same effect as if it had been given by the person whose consent cannot be so obtained.

#### Registrar to issue marriage licence on proof of conditions by statutory declaration

17.— [...]

(2) The Registrar must not issue a marriage licence until he or she is satisfied by statutory declaration made by each of the parties to the proposed marriage —

[...]

- (b) that —
- (i) each of the parties is 21 years of age or above, or, if not, is divorced or is a widower or widow or has had his or her previous marriage declared null and void, as the case may be; or
- (ii) if either party is a minor who has not been previously married — the consent of the appropriate person mentioned in the Second Schedule has been given in writing, or has been dispensed with, or the consent of the court has been given in accordance with section 13;
- (c) that neither party is below 18 years of age; [...]

#### Special marriage licence

21.—(1) The Minister may, if he or she thinks fit, dispense with the giving of notice and with the issue of a marriage licence, and may grant a special marriage licence in the prescribed form authorising the solemnisation of a marriage between the parties named —

[...]

(c) upon the Minister being satisfied that the necessary consent (if any) to the marriage has been obtained, or that the consent has been dispensed with or given under section 13.

(2) The Minister may, in his or her discretion, grant a special marriage licence under this section authorising the solemnisation of a marriage although any party to the marriage is below 18 years of age.

#### False oath, etc., for procuring marriage

37. Any person who for the purpose of procuring any marriage under this Act intentionally makes any false declaration or signs any false notice or certificate required by this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000 or to imprisonment for a term not exceeding 3 years or to both.

#### Offences relating to solemnisation of marriages

40.— [...]

(2) The Registrar or any Assistant Registrar who knowingly and contrary to this Act issues any marriage licence —

[...]

(c) contrary to section 17,

shall be guilty of an offence and shall on conviction be punished with imprisonment for a term not exceeding 3 years and shall also be liable to a fine not exceeding \$5,000.

(3) Any person who marries or purports to marry or goes through a form of marriage with any person contrary to any of the provisions of Part 3 shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 3 years and shall also be liable to a fine not exceeding \$5,000.

## SOUTH KOREA

### Civil Act, 2017

#### Article 4 (Majority)

Majority is attained by a person upon the completion of 19 years of age.

#### Article 801 (Eligible Age for Matrimonial Engagement)

Any person who has attained the age of 18 may enter into a matrimonial engagement upon the consent of his/her parents or adult guardian. Article 808 shall apply mutatis mutandis to such cases.

#### Article 802 (Adult Guardianship and Matrimonial Engagement)

An adult ward may enter into a matrimonial engagement upon the consent of his/her parents or adult guardian. Article 808 shall apply mutatis mutandis to such cases.

Article 803 (Prohibition of Compulsory Performance of Matrimonial Engagement)

No person may claim to the court for compulsory performance of a matrimonial engagement.

## SECTION 2 Formation of Marriage

Article 807 (Marriageable Age)

Any person who is eighteen years old or older may enter into matrimony.

Article 808 (Marriage Requiring Consent)

(1) A minor shall obtain the consent of both parents in order to marry. If one parent is unable to exercise the right of consent, the minor shall obtain the consent of the other parent, and if neither parent is able to exercise the right of consent, the minor shall obtain the consent of his/her guardian of minor.

(2) An adult ward may marry upon obtaining the consent of his/her parents or adult guardian.

Article 813 (Examination of Marriage Report)

Marriage report shall be accepted unless a marriage is in violation of the provisions of [Articles 807 through 810](#) and [812](#) (2), and of any other Acts and subordinate statutes. [...]

Article 816 (Causes for Annulment of Marriage)

A claim to the court for annulment of a marriage may be made under any one of the following subparagraphs:

1. Where a marriage is in violation of the provisions of Articles 807 through 809 (excluding the cases falling under the nullity of marriage under Article 815; hereafter in Articles 817 and 820 the same shall apply) or 810; [...]

Article 817 (Claimant for Annulment of Marriage in Violation of Marriageable Age, etc.)

In the case of a marriage in violation of the provisions of Articles 807 and 808, a claim for annulment of the marriage to the court may be made by either party or legal representative thereof. In case of a marriage in violation of the provisions of Article 809, a claim for annulment of the marriage to the court may be made by either party, their lineal ascendants or collateral blood relatives within the fourth degree of relationship.

Article 819 (Extinction of Right of Claim for Annulment of Marriage without Consent)

In cases of a marriage in violation of Article 808, no claim for annulment of the marriage may be made, if three months have elapsed from the day the minor party has attained the age of 19 or the termination of adult guardianship has been adjudged, or if the female party has become pregnant during the marriage.

## [Criminal Act, 2013](#)

**Article 288 (Kidnapping, Abduction, etc. for Purpose of Indecent Acts, etc.)**

A person who obtains and maintains another under the control of his or hers or a third person by means of the threat, use of force or other forms of coercion, or by means of fraud, deception or enticement for the purpose of engaging in an indecent act, sexual intercourse **or marriage**, or for gain shall be punished by imprisonment for at least one year up to ten years. [...]

**Article 289 (Trafficking in Persons)**

[...]

2. A person who buys or sells another for the purpose of engaging in an indecent act, sexual intercourse, **marriage**, or for gain, shall be punished by imprisonment for at least one year up to ten years.

[...]

SRI LANKA

[The Marriage Registration Ordinance, 1908 \(as amended\)](#)

15. No marriage contracted after the coming into force of this section shall be valid unless both parties to the marriage have completed eighteen years of age.

22.(1) (a) The father of any person under eighteen who may years of age ; or (b) if the father be dead or under legal incapacity, or in parts beyond Sri Lanka and unable to make known his will, the mother ; or (c) if both father and mother be dead or under legal incapacity, or in parts beyond Sri Lanka and unable to make known their will, the guardian or guardians appointed over the party so under age by the father, or if the father be dead or under legal incapacity, by the mother of such party or by a competent court, shall have authority to give consent to the marriage of such party, and such consent is hereby required for the said marriage : Provided that no such consent shall be required in the case of a widow or widower or a person who shall have been previously married, and whose marriage shall have been legally dissolved.

(2) If there be no person authorized as aforesaid to give consent, or if the person so authorized unreasonably withholds or refuses his or her consent, the Judge of the District Court within whose jurisdiction the party so under age resides, may, upon the application of any party interested in such marriage, and after summary inquiry, give consent to the said marriage, and such consent is hereby required for the said marriage.

31 (1) In the event of a marriage being forbidden or of a caveat being entered as aforesaid, the registrar shall refuse to issue the certificate, and shall forthwith make report of the objection to the District Judge of the district within which his division is situated. Such report shall be in the form K in the First Schedule, and shall be accompanied by a copy of the notice of marriage and of the notice forbidding the marriage or of the caveat entered.

(2) The District Judge shall thereon proceed to make summary inquiry (in which the person forbidding the marriage or entering the caveat shall be respondent) into the grounds of objection to the marriage, and shall order the certificate to issue or not to issue as shall appear to him just, and he shall have power, if it be proved to his satisfaction in the course of the inquiry that the marriage was forbidden or caveat entered by such person, on frivolous or vexatious grounds, to impose on him a fine not exceeding one thousand rupees.

(3) The order of the District Judge shall be subject to appeal to the Court of Appeal.

(4) A copy of the order of the District Court, or of the Court of Appeal in appeal, certified under the hand of the District Judge, shall be forwarded by him to the registrar, who shall thereon issue or refuse to issue the certificate as such order shall direct.

(5) The time taken up in disposing as aforesaid of the objection to the marriage shall not be taken into account in the calculation of the period of three months under section 26 or section 39.

47. (1) If any valid marriage shall be had under this Ordinance by means of any wilfully false notice, certificate, or declaration made by either party to such marriage as to any matter to which a notice,

certificate, or declaration is required, it shall be competent for the proper District Court to inquire therein, upon the application of either of the parties, or, if the marriage shall have been had without the consent of the person whose consent was by law required, upon the application of such person or of the Attorney General.

(2) After due inquiry the court may order and direct that all estate and interest in any property accruing to the offending party by the force of such marriage shall be forfeited, and shall be secured under the direction of the court for the benefit of the innocent party or of the issue of the marriage or of any of them, in such manner as the said court shall think fit for the purpose of preventing the offending party from deriving any interest in any real or personal estate or pecuniary benefit from such marriage.

(3) If both the contracting parties shall in the judgment of the court be guilty of any such offence as aforesaid, it shall be lawful for the court to settle and secure such property or any part thereof immediately for the benefit of the issue of such marriage, subject to such provision for the offending party by way of maintenance or otherwise as the court may think fit.

(4) The order of the District Court shall be subject to appeal to the Court of Appeal.

60 (a) Any person who shall knowingly and wilfully solemnize or pretend to solemnize a marriage not being legally competent to do so, or between parties not legally competent to contract the same, or, except in case of a deathbed marriage under section 40, before the issue of the certificate or certificates required by this Ordinance, or in any place or at any time not authorized by the provisions of this Ordinance, or who shall knowingly and wilfully solemnize a marriage declared to be not valid or to be null and void by this Ordinance ; and

(b) any registrar who shall knowingly and wilfully issue a certificate before or after the expiration of the prescribed period, or, if the marriage shall have been forbidden or a caveat entered under this Ordinance, before the disposal of such objection by a competent court ; and

(c) any registrar or minister who shall knowingly disobey any direction of the law as to the way in which he is to conduct himself, intending to cause or knowing it to be likely to cause injury to any person or to the Government.

## SYRIA

### [Personal Status Law, 1953 \(as amended\)](#)

#### Article 16

The eligibility to marry for both a male and a female is achieved upon reaching the age of eighteen.

#### Article 18

1. If the male or female teenager claims puberty after reaching fifteen years of age and ask for marriage, the judge may authorize it if it becomes clear their request is valid, their bodies are able, and they understand their marital rights.

2. If the guardian is the father or grandfather, his consent is required.

#### Article 20

If a woman who has not married and has reached the age of eighteen wants to marry, the judge shall ask her guardian to express his opinion within a period not exceeding fifteen days.

#### Article 21

[...]

2. If the guardian marries the girl without her permission and then she becomes aware of that, the contract is contingent upon her explicit permission.

Article 50

1. Every marriage in which any of the conditions of the contract is violated is void.  
[...]

TAIWAN

[Civil Code \(as consolidated to 2021\)](#)

Article 12

Majority is attained upon reaching the eighteenth year of age.

Chapter II Marriage

Section 1: Betrothal

Article 972

An agreement to marry shall be made by the male and the female parties in their own [con]cord.

Article 973

A male or female who has not reached his or her seventeenth year of age may not make an agreement to marry.

Article 974

Where a minor makes an agreement to marry, he shall obtain the consent of his statutory agent in advance.

Article 975

No demand shall be made to force the performance of an agreement to marry. [...]

Section 2: Conclusion of Marriage

Article 980

A male or female who has not reached his or her eighteenth year of age may not conclude a marriage.

Article 984

A guardian may not marry his ward during the continuance of guardianship, unless consent of the ward's parents has been obtained.

Article 989

Where a marriage is concluded contrary to the provision of Article 980, the party concerned or his statutory agent may apply to the court for its annulment; but such application may not be made, where the party concerned has attained the age specified in the said article or where the woman has become pregnant.

Article 991

Where a marriage is concluded contrary to the provision of Article 984, the ward or his nearest relative may apply to the court for its annulment; but such application may not be made where one year has elapsed after the conclusion of the marriage.

#### Article 997

A person who has concluded a marriage by fraud or by duress may apply to the court for its annulment within six months after awareness of the fraud or after the cessation of the duress.

#### Article 998

The effect of an annulment of marriage is not retroactive.

#### Article 999

A party to a marriage who has sustained damage through nullity or annulment of the marriage may claim compensation from the other party. This, however, does not apply where the other party is not at fault.  
[...]

### TAJIKISTAN

#### [Family Code, 1998 \(as amended\)](#)

##### **Article 1. Basic principles of the legislation of the Republic of Tajikistan on the family**

[...]

3. Marriage concluded only in state registry offices is recognized. A marriage concluded according to religious rites has no legal significance.

4. The regulation of family relations is carried out in accordance with the principles of voluntary marriage of a man and a woman, equality of rights of spouses in the family, resolution of intra-family issues by mutual agreement, priority of family upbringing of children, concern for their well-being and development, ensuring priority protection of the rights and interests of minors and disabled family members.

[...]

##### **Article 10. Marriage**

1. Marriage is concluded in the state registry offices.

2. The rights and obligations of spouses arise from the date of state registration of marriage in the civil registry offices.

3. Marriages performed according to religious rites on the territory of the Republic of Tajikistan before December 19, 1929, are equated to marriages registered in the civil registry offices.

##### **Article 12. Conditions for entering into marriage**

1. For the conclusion of marriage, the mutual consent of the man and woman entering into marriage and the achievement of marriageable age by them is necessary.

[...]

##### **Article 13. Marriage age**

1. The marriageable age is set at eighteen years.

2. In exceptional cases, the court has the right to reduce the age of marriage, at the request of persons wishing to enter into marriage, established by this article for men and women, by no more than one year.



3. Applications are considered in the order of special proceedings in the court at the place of residence of the person whose age is decreasing.

The right to apply to the court on this issue arises from the age of seventeen.

#### **Article 28. Recognition of marriage as invalid**

1. Marriage is recognized as invalid in case of violation of the conditions established by [Articles 12](#) and [14](#) of this Code, as well as in the event of a fictitious marriage, that is, when the spouses or one of them registered the marriage without the intention of creating a family. A marriage entered into under duress or fraud may be declared invalid upon the application of the victim or the prosecutor.

2. Recognition of marriage as invalid is made by the court.

3. The court is obliged, within three days from the date of entry into force of the court decision on recognizing the marriage as invalid, to send an extract from this court decision to the civil registry office at the place of state registration of the marriage.

4. A marriage entered into in contradiction to the requirements of paragraph 1 of this article shall be invalid from the moment of its conclusion.

#### **Article 29. Persons entitled to demand recognition of marriage as invalid**

1. The following persons have the right to demand recognition of a marriage as invalid:

- a minor spouse, his parents (persons replacing them), the guardianship and custodianship authority or the prosecutor, if the marriage is concluded with a person who has not reached marriageable age, in the absence of permission to enter into marriage before he reaches marriageable age ( [Article 13](#) of this Code). After the minor spouse reaches the age of eighteen, only that spouse has the right to demand recognition of the marriage as invalid;

- a spouse whose rights are violated by marriage, as well as a prosecutor, if the marriage is concluded in the absence of the voluntary consent of one of the spouses to conclude it: as a result of coercion, deceit, delusion or the impossibility, due to their condition at the time of marriage registration, to understand the meaning of their actions; [...]

2. When considering a case on invalidating a marriage concluded with a person who has not reached the age of marriage, as well as with a person recognized by the court as incapable, the body of guardianship and custodianship is involved in the case.

#### **Article 30. Recognition of marriage as valid (sanation of marriage)**

1. The court may recognize the marriage as valid if, by the time of consideration of the case on recognizing the marriage as invalid, those circumstances that, by virtue of law, prevented its conclusion, have disappeared.

2. The court may dismiss a claim for invalidation of a marriage entered into with a person who has not reached the age of marriage, if the interests of the minor spouse so require.

#### **Article 31. Consequences of an invalid marriage**

[...]

3. The recognition of a marriage as invalid does not affect the rights of children born in such a marriage or within three hundred days from the date of recognition of the marriage as invalid ( [Part 2 of Article 49](#) of this Code). [...]

4. [...] A spouse whose rights have been violated [...] by entering into a marriage declared invalid by the court has the right to demand compensation for the material and moral damage caused to him/her in accordance with the rules provided for by the [civil legislation](#) of the Republic of Tajikistan. [...]

### **Article 62. Rights of minor parents**

1. Minor parents have the right to live independently with the child and participate in his upbringing.

[...]

3. Minor parents have the right to challenge their paternity and maternity on a general basis, and also have the right, when they reach the age of seventeen, to demand the establishment of paternity and maternity in relation to their children in a judicial proceeding.

### [Civil Code, 1999 \(as amended\)](#)

### **Article 22. Legal capacity of a citizen**

1. The ability of a citizen by his actions to acquire and exercise civil rights, create for himself civil duties and fulfill them (civil capacity) arises in full with the onset of adulthood, that is, upon reaching the age of eighteen.

2. In the case when the law allows marriage before reaching the age of eighteen, a citizen who has not reached the age of eighteen acquires legal capacity in full from the time of entering into marriage.

Legal capacity acquired as a result of marriage shall be retained in full even in the event of divorce.

When declaring a marriage invalid, the court may decide on the loss of full legal capacity by the minor spouse from the moment determined by the court.

### [Criminal Code, 1998 \(as amended\)](#)

### **Article 168. Giving in marriage a girl who has not reached marriageable age**

The marriage of a girl who has not reached marriageable age by her parents or guardians, or persons to whom she is subordinate, as well as mediation or assistance in marriage,

- shall be punishable by correctional labor for a term up to two years, or restraint of liberty for a term up to five years.

### **Article 169. Marriage in relation to a person who has not reached the age of marriage**

The conclusion of a marriage agreement in respect of a person who has not reached the age of marriage, as well as the conclusion of marriage with this person,

- shall be punishable by a fine in the amount of one to two thousand times the minimum monthly wage, or by corrective labor for a term of up to two years, or by restraint of liberty for a term of up to five years.

## THAILAND

### [Civil and Commercial Code, 1925 \(as amended\)](#)

#### Section 19. Age of Majority – Adulthood

A person, on completion of twenty years of age ceases to be a minor and becomes sui juris.

## CHAPTER I BETHROTAL

**Section 1435.** A betrothal can be effected only when the man and the women have completed the **seventeenth** year of age.

The betrothal contrary to the provision of paragraph one is [void](#).

**Section 1436.** If a minor will conclude a betrothal, the consent of the following persons is required:

1. his or her parents, in case both of his her father and mother are still alive;

2. his or her parent, in case his or her father or mother died, or is in condition of state of being unable to give consent, or is under the circumstances that make the minor unable to ask for such consent;
3. his or her adopter, in case the minor is and adopted child
4. his or her guardian, in case there is no person giving consent under (1), (2) and (3), or such person is deprived of parental power.

A betrothal concluded by the minor without the said consent is voidable.

[...]

**Section 1438** Betrothal does not give rise to an action for compulsory performance of the marriage. An agreement to pay a penalty in case of breach of the betrothal agreement is void.

[...]

## CHAPTER II CONDITIONS OF MARRIAGE

**Section 1448.** A marriage (in Thailand under Thai marriage and Family Laws) can take place only when the man and woman have completed their seventeenth year of age. But the Court may, in case of having appropriate reason, allow them to marry before attaining such age.

[...]

**Section 1454.** In case of marriage of a minor, the provisions of Section 1436 shall apply *mutatis mutandis*.

**Section 1455.** Giving consent to the marriage may be made:

1. by affixing signature of the person giving consent in the Register at the time of registration of the marriage;
2. by a consent document stating the names of the parties to the marriage and signed by the person giving consent;
3. by verbal declaration before at least two witnesses in case of necessity.

The consent having been given cannot be revoked.

**Section 1456.** In case where there is no person having the power to give consent under Section 1454, or if the person refuses to give consent or is in the position of being unable to give consent, or the minor cannot, in such circumstances, ask for the consent, the minor may file an application with the Court for giving consent to the marriage.

**Section 1457.** Marriage under this Code shall be effected only on registration being made.

**Section 1458.** A marriage can take place only if the man and woman agree to take each other as husband and wife, and such agreement must be declared publicly before the Registrar in order to have it recorded by the Registrar.

[...]

## CHAPTER V VOID OF MARRIAGE

**Section 1494.** The marriage in Thailand will be void only as provided in this Chapter.

**Section 1495.** The marriage which is made against Section 1449, Section 1450, Section 1452 and Section 1458 shall be void.

**Section 1496.** It is only a judgment of the Court that effects the void of the marriage which is made against Section 1449, Section 1450 and Section 1458.

The spouses, parents or descendants of the spouse may apply for a judgment of the Court effecting the void of the marriage. If there is none of the said persons, any interested person may request the Public Prosecutor to apply to the Court for such judgment.

[...]

**Section 1497/1.** In case there is a final judgment of the Court effecting the void of any marriage, the Court shall notify the Marriage Registrar of the matter in order to have it entered in the Marriage Register.

[...]

In case of the marriage adjudged void as being against Section 1449, Section 1450, Section 1458 or Section 1452, if one party only acted in good faith, such party may claim compensation. [...]

**Section 1499/1.** In case of the marriage adjudged void, the agreement between the spouses as to which party to exercise the parental power over any child, or either party or both of them to be responsible for the amount of contribution of the maintenance of the child shall be made in writing. If the agreement cannot be reached, the Court shall make decision on the matter. In making such decision, if the are grounds for depriving that spouse of parental power under Section 1582, the Court may give an order depriving that spouse of the same and appoint a third person as a [guardian](#) by taking into consideration the happiness and interest of the child, and the provisions of Section 1521 shall apply, *mutatis mutandis*. Section 1500. The marriage adjudged void shall not prejudice the rights acquired by third person acting in good faith before entering the void of the marriage into the Marriage Register under Section 1497/1.

Section 1503. Application for Cancellation of Marriage

An application to the Court for cancellation of a marriage on the ground of its voidability shall be made only in the case where the spouses have not complied with Section 1448, Section 1505, Section 1506, Section 1507, and Section 1509.

#### **Section 1504. Interested Persons – Age and Pregnancy**

An interested person other than the parents or guardian who have given their consent to the marriage is entitled to apply for cancellation of the marriage on the ground of its voidability.

If the court has not cancelled the marriage until both man and woman have completed the age required under Section 1448 or if the woman has become pregnant before such completion, the marriage shall be deemed to be valid from the time it was made.

## TIMOR LESTE

### [Constitution, 2002](#)

#### ARTICLE 18

##### Child Protection

1. Children are entitled to special protection by the family, the community and the State, particularly against all forms of abandonment, discrimination, violence, oppression, sexual abuse and exploitation. [...]

#### ARTICLE 39

##### (Family, marriage and maternity)

[...]

3. Marriage shall be based upon free consent by the parties and on terms of full equality of rights between spouses, in accordance with the law.

### [Civil Code, 2011](#)

#### ARTICLE 118 (Minors)

A minor is a person who has not yet completed seventeen years of age.

#### ARTICLE 119 (Minor's incapacity)

Unless otherwise provided, minors lack the capacity to exercise rights.

#### ARTICLE 120 (Supplantation of minor's incapacity)

A minor's incapacity is supplanted by parental authority and, subsidiarily, by guardianship, depending on the respective arrangement.

#### ARTICLE 121 (Annulability of minor's acts)

1. Without prejudice to the provision set forth in paragraph 2 of article 278, legal transactions performed by a minor may be annulled:

a) Depending on the case, on request of the parent exercising parental authority, of the guardian or of the property manager, as long as this suit is filed within one year from the date on which the applicant is informed of the contested transaction, but never after the minor has reached the age of majority or is emancipated, with the exception of the provision set out in article 127;

b) On request of the minor himself or herself, within one year of reaching the age of majority or being emancipated;

c) On request of any heir of the minor, within one year of his or her death, if it occurs before the expiry of the deadline referred to in the previous subparagraph.

2. Annulability is reversible upon the minor's confirmation, after reaching majority or being emancipated, or upon confirmation of the parent exercising parental authority, of the guardian or of the property manager, if it is an act that any of them could perform as the minor's representative.

#### ARTICLE 122 (Deceit by the minor)

A minor loses the right to invoke annulability, if in order to practice the act he or she resorted to deceit with the purpose of pretending to have reached the age of majority or being emancipated. [...]

### TITLE II ON MARRIAGE

#### CHAPTER I Modalities of marriage

#### ARTICLE 1475 (Civil, catholic, and bride-price based monogamic marriage)

1. Marriage is either civil, catholic, or bride-price based monogamic.

2. Civil law recognises value and efficacy of marriage in catholic matrimony and in bride-price based monogamic marriage, pursuant to the following provisions.

[...]

#### ARTICLE 1485 (Civil capacity)

Only those with the matrimonial capacity required by civil law may enter into catholic marriage and bride-price based monogamic marriage.

#### ARTICLE 1486 (Preliminary process)

1. The betrothed couple's matrimonial capacity is attested by means of a prior publication of banns, organized in a civil registrar's office at the request of the betrothed couple or the respective parish priest.

2. The consent of the parents or guardian, in relation to an underage betrothed, may be given in the presence of two witnesses before the parish priest or community authority, depending on whether the marriage is catholic or bride-price based monogamic marriage, who shall prepare an occurrence report and sign it together with all the other stakeholders.

3. The consent referred to in the previous paragraph may also be directly given in a civil registrar's office.

#### ARTICLE 1487 (Matrimonial capacity certificate)

1. If the final rule issued on the preliminary process indicates that there is no impediment to marriage, the civil registrar shall extract therefrom the matrimonial capacity certificate, which shall be sent out to the betrothed or the parish priest, and without such a certificate the marriage may not be entered into.

2. If, after the certificate has been sent out, the registrar comes to know of any impediment, he shall immediately communicate it to the betrothed or the parish priest in order to put marriage on hold until judgment is passed thereon.

#### ARTICLE 1488 (Waiver of preliminary process)

[...]

2. When there is grounded fear that one of the betrothed is about to die or child delivery is imminent, bride-price based monogamic marriage is allowed to take place, irrespective of the prior publication of banns and the issuance of the betrothed's matrimonial capacity certificate.

3. A waiver of the preliminary process does not change civil law requirements with respect to the betrothed's matrimonial capacity, and they shall remain subject to sanctions under the same law.

### SECTION II Civil Marriage

#### SUBSECTION I Matrimonial impediments

#### ARTICLE 1489 (General rule)

Every person on whom none of the impediments provided by law falls is capable of contracting marriage.

#### ARTICLE 1490 (Absolute diriment impediments)

Diriment impediments, which prevent the person on whom they fall from contracting marriage, are as follows:

a) Age below sixteen years; [...]

#### ARTICLE 1493 (Impeding impediments)

In addition to others referred to in special laws, impending impediments include:

a) Lack of parents' or guardian's authorization for an underage betrothed to marry, when not provided by the civil registrar; [...]

#### ARTICLE 1500 (Parents' or guardian's authorization)

1. Authorization for the marriage of a minor under the age of 17 years and above the age of 16 years shall be granted by the parents exercising parental authority or by the guardian.

2. The civil registrar may grant the authorization referred to in the preceding paragraph if there are any reasons of sufficient weight to justify the celebration of marriage and the minor has sufficient physical and mental maturity.

#### ARTICLE 1501 (Final judgment)

Once the preliminary process and the subsequent court proceedings are over, it is incumbent upon the civil registrar to pronounce a final judgment in which he shall either authorize the betrothed to celebrate the marriage or have the case dismissed.

### CHAPTER IV Celebration of civil marriage and of bride-price based monogamic marriage

#### SECTION I

##### General Provisions

[...]

#### ARTICLE 1505 (Timeliness of mutual consent)

The will of the betrothed is relevant only when expressed in the very act of marriage.

#### ARTICLE 1507 (Personal nature of mutual consent)

The will to contract marriage is strictly personal with respect to each of the betrothed.

## SECTION II Urgent marriages

### ARTICLE 1510 (Celebration)

1. When there is grounded fear that either of the betrothed is about to die or that child delivery is imminent, the celebration of marriage is allowed, irrespective of the prior publication of banns and without the intervention of the civil registrar. [...]

## SECTION III Civil Marriage

### SUBSECTION II Inexistence of marriage

#### ARTICLE 1517 (Inexistent marriages)

1. It is legally inexistent:

- a) A marriage celebrated before someone who did not have functional competence for the act, except in the case of urgent marriage;
- b) An urgent marriage that has not been endorsed;
- c) A marriage in whose celebration a declaration of will of one or both betrothed parties, or of the attorney of one of them, was missing; [...]

2. However, a marriage celebrated before a person who, without having functional competence for the act, publicly exercised the corresponding functions, is not considered as legally inexistent, except if both betrothed parties were, at the time when the marriage was celebrated, aware of the lack of such competence.

### SUBSECTION III Annulability of marriage

#### DIVISION I General provisions

#### ARTICLE 1519 (Causes for annulability)

A marriage is annulable if:

- a) Contracted with some diriment impediment;
- b) Celebrated, by one or both betrothed parties, with lack of will or with the will vitiated by error or duress; [...].

#### ARTICLE 1520 (Need for annulment action)

The annulability of marriage may not be invoked for any effect, either judicial or extrajudicial, as long as it is not acknowledged by a sentence in an action specifically filed to that end.

#### ARTICLE 1521 (Marriage validation)

1. The nullity is considered to have been remedied, and the marriage validated, from the moment the marriage was celebrated, if, before the judgment of annulment has become final, one of the following facts occurs:

- a) the marriage of a minor below the marriageable age is confirmed by the latter before a clerk of the civil registry and two witnesses, after he or she reaches the age of majority; [...]

### DIVISION II Unwillingness or will-related faults

#### ARTICLE 1523 (Annulability due to lack of will)

Marriage is annulable due to lack of will:

[...]

c) When the declaration of will has been extorted by physical coercion; [...]

#### ARTICLE 1525 (Moral coercion)

1. A marriage celebrated under moral coercion is annulable, provided that the harm the betrothed is illegally threatened with is serious and the fear that it might be consummated is warranted.

2. The fact that someone, knowingly and illegally, extorts from the betrothed the declaration of will by promising to set him free from an accidental harm or a harm caused by someone else shall be rendered equivalent to an illegal threat.

#### DIVISION III Legitimacy

#### ARTICLE 1526 (Annulment based on diriment impediment)

1. The spouses or any of their relatives in straight line or up to the fourth degree in the collateral line, as well as heirs and adopters of the spouses, and the Public Prosecution Service, may file an annulment suit based on diriment impediment or proceed with it.

2. Besides the persons mentioned in the previous paragraph, a guardian or trustee, in case of minority, [...], may also file a suit, or proceed with it.

#### ARTICLE 1528 (Annulment based on will-related faults)

An annulment suit based on will-related faults may only be brought by the spouse who was a victim of error or coercion; however, his or her blood relatives or relatives by affinity in the straight line, heirs or adopters may proceed with the suit if the author dies while the case is pending.

#### ARTICLE 1530 (Annulment based on diriment impediment)

1. An annulment suit based on diriment impediment shall be filed:

a) In cases of minority, interdiction or incapacitation due to mental disorder or noticeable dementia, when brought by the incapacitated person himself or herself, up to six months after the age of majority is reached, the interdiction or incapacitation is lifted or dementia has ceased; when brought by someone else, within three years following the celebration of marriage, but never after the age of majority is reached, the incapacitation is lifted or dementia has ceased.

[...]

2. The Public Prosecution Service may file the suit only until the dissolution of marriage. [...]

#### ARTICLE 1531 (Annulment based on lack of will)

An annulment suit based on lack of will on the part of one or both betrothed parties may only be filed within three years months after the celebration of marriage or, if the marriage was ignored by the requesting party, within six months following the date on which he became aware of it.

#### ARTICLE 1532 (Annulment based on will-related faults)

An annulment suit based on will-related faults lapses if it is not filed within six months after the faults cease.

#### ARTICLE 1536 (Marriage of minors)

1. A minor who marries without obtaining his or her parents' or guardian's authorization, or the respective judicial supply, continues to be considered a minor with regard to the management of the assets that s/he brings into the marriage or that s/he might subsequently acquire gratuitously until s/he reaches the age



of majority, but the alimony awards arising from his or her status shall be adjudicated to him or her from the proceeds of such assets.

2. Assets subtracted from the minor's management are managed by his or her parents, guardian or trustee, and shall under no circumstance be placed under the other spouse's management during the minority of his or her partner; furthermore, they shall not be liable, either before or after the dissolution of marriage, for debts contracted by either or both spouses in the course of the same period.

## TURKEY

### Civil Code, 2001

Article 11 - Maturity begins with the age of eighteen. Marriage makes a person mature.

Article 12 - A minor who has completed the age of fifteen can be [emancipated] by the court at his own request and with the consent of his guardian.

Article 124 - Men or women cannot get married until they reach the age of seventeen. However, in extraordinary circumstances and for a very important reason, the judge may allow a man or woman who has reached the age of sixteen to marry. Whenever possible, the parents or guardians are heard before the decision. [...]

Article 128 - After hearing the legal representative who does not allow marriage without a just cause, the judge may allow the minor or restricted person to marry.

Article 126 - The minor cannot get married without the permission of his legal representative.

Article 137 - The marriage officer examines the marriage application and the documents that must be attached to it. If he sees a deficiency in the application, he completes it or has it completed. If it is understood that the application is not duly made or that one of the people who will marry is not qualified to marry or that there is a legal obstacle to marriage, the marriage application is rejected and this is immediately notified in writing.

Article 153 - If a minor [...] gets married without the consent of the legal representative, the legal representative can sue for the annulment of the marriage. [...]

### Penal Code, 2004

#### Human Trafficking

Article 80 - (1) (Amended on 6 December 2006 – By Article 3 of the Law no. 5560)

Any person who procures, kidnaps, harbors or transports a person from one place to another or brings a person into the country or takes a person out of the country, by (1) the use of threat, pressure, force or violence, (2) employing deceit, (3) abusing his influence, or (4) obtaining a consent by exploiting control over another or the desperation of such other, for the purpose of forcing them into prostitution or to work, provide a service, [...] shall be sentenced to a penalty of imprisonment for a term of eight to twelve years and to a judicial fine of up to ten thousand days.

(2) Where an act is undertaken for the purposes referred to in paragraph one and such act constitutes an offence, the consent of the victim shall be presumed to be invalid.

(3) Where a person under eighteen years of age is procured, kidnapped, harbored or transported from one place to another for the purposes described in paragraph one, the offender shall be sentenced to the penalty described in paragraph one, even if none of the instrumental acts belonging to the crime have been resorted to. [...]

Sex with a minor

Article 104 - (1) Any person who had a sexual intercourse with a child who completed the age of fifteen, without using force, threat and fraud, is sentenced to a term of imprisonment from two to five years upon filing of a complaint. [...]

## TURKMENISTAN

### Family Code, 2012 (as amended)

#### **Article 1. Basic concepts**

1. For the purposes of this Code the following basic concepts are used:

[...]

7) child - person under the age of eighteen years (age of majority); [...]

#### **Article 15. Marriage**

[...]

2. The age of consent is established at eighteen years.

3. In exceptional cases, with the presence of reasonable excuses, guardianship and custody bodies can, at the request of persons wishing to get married, reduce the age of consent, but no more than by one year. In this case, such person acquires the full capacity to act from the date of marriage. In case of an annulment of marriage, his capacity to act remains in full.

#### **Article 16. Marriage conditions**

1. Marriage can only take place by free and mutual consent of persons wishing to get married upon reaching the age of consent.

[...]

### Criminal Code, 1997 (as amended)

#### **Article 162. Forcing a woman to marry or barring marriage**

(1) Forcing a woman to marry or continue marriage, as well as barring a woman from entering marriage of her choice, by means of violence or threat, shall be punished by fine in the amount of twenty to thirty average monthly wages or corrective labor for up to two years or imprisonment for up to two years.

(2) Forcing a person who has not reached the age of marriage to enter into actual marital relationships, shall be punishable by deprivation of liberty for a term of up to three years.

## UNITED ARAB EMIRATES

### Personal Status Law, 2005 (as amended)

Article 21

[...]

2. If the engaged persons are of inadequate age; i.e. the man's age is double the age of the woman, or more than that, the marriage shall take place only with the consent and knowledge of the parties thereto after securing the authorization of the judge who will withhold it unless there is an interest in such marriage.

#### Article 30

1. Capacity to marriage is completed by reason and maturity. The age of maturity is 18 years, completed, unless the person concerned matures earlier in conformity with the law.
2. Whoever legally matures before reaching the age of eighteen shall not marry except in accordance with the regulations issued by a Cabinet decision upon the proposal of the Minister of Justice.
3. Should the person having completed the age of eighteen request marriage but failed to obtain the approval of his tutor, he may refer the matter to the judge.
4. The judge shall fix a period for the tutor, after his notification to appear before him to hear his argument. Should he fail to appear, or his opposition to the marriage is not convincing, the judge shall celebrate the marriage.

#### Article 31

Whoever gets married, according to Article (30), shall acquire capacity in all what relates to the marriage and its effects, with the exception of forfeiture of his pecuniary rights resulting from marriage.

### UZBEKISTAN

#### Constitution, 1992 (as amended)

##### Article

63.

The family is the primary unit of society and shall have the right to state and societal protection. Marriage shall be based on the willing consent and equality of both parties.

##### Article 65.

[...] Motherhood and childhood shall be protected by the state.

#### Family Code, 1998 (as amended)

##### Article 13. Procedure for conclusion of marriage

Marriage shall be concluded in the civil registry offices.

A marriage concluded under a religious ceremony shall have no legal value.

A marriage shall be concluded in the physical presence of the couple entering into a marriage upon expiry of one month after the date of submission of the marriage application to the civil registry office.

In the presence of valid reasons, the civil registry office may authorize the conclusion of a marriage before an expiry of one month. [...]

##### Article 14. Voluntariness of marriage

Marriage shall be entered into on a voluntary basis.

The future spouses shall possess the ability to freely express their consent to conclude a marriage. Coercion to conclude a marriage shall be prohibited.

##### Article 15. Age of consent

The marriageable age for men and women shall be set as eighteen years of age.

In the presence of valid reasons, in exceptional cases (pregnancy, child birth, declaration of a minor fully capable (emancipation), the khokim of the district or city at the place of state registration of marriage may reduce the marriage age at the request of persons wishing to marry, but not more than for one year.

**Article 49. Grounds for recognizing the marriage invalid**

Marriage shall be recognized as invalid in the following cases:

Violation of the provisions set forth in Articles 14 — 16 of this Code; [...]

**Article 51. Annulment of a marriage concluded with a person under marriageable age**

A marriage concluded with a person under marriageable age may be declared invalid should the interests of the person who entered into the marriage before reaching marriageable age so require. The person married before reaching the marriageable age, his/her parents or a guardian, the guardianship and trusteeship body, as well as the prosecutor shall be entitled to claim annulment of such a marriage.

If the spouse has attained the marriageable age by the time of case resolution in court, the marriage may be declared invalid only at the spouse's request.

A case on recognition of the marriage invalid due to the fact that one of the spouses is not reached marriageable age shall be considered with the participation of the guardianship and trusteeship body, if the spouses (or either of them) have not reached the marriageable age by the time of consideration of the case in court.

**Article 53. Annulment of an involuntarily concluded marriage**

An involuntarily concluded marriage may be declared invalid at the request of the victim (his/her legal representatives) or the prosecutor.

**Article 55. The time from which marriage is considered invalid**

A marriage recognized by a court as invalid shall be considered invalid from the moment of its conclusion.

**Article 56. Implications of recognizing the marriage as invalid**

Marriage declared invalid shall not give rise to personal and property rights and duties of spouses as established by this Code.

Proprietary legal relations of persons whose marriage is recognized invalid shall be regulated by the Civil Code of the Republic of Uzbekistan.

The annulment of a marriage shall not affect the rights of children born in such a marriage or within three hundred days since the recognition of the marriage invalid. [...]

[Administrative Liability Code, 1994 \(as amended\)](#)

Article 47-3. Violation of the law about age of consent

The introduction in the actual marriage relations with person which did not reach age of consent attracts imposing of penalty from five up to ten basic settlement sizes. Issue in marriage or marriage of person which did not reach age of consent, the parents or persons replacing them attracts imposing of penalty from seven up to fifteen basic settlement sizes. Departure of religious practice on marriage with person which did not reach age of consent attracts imposing of penalty from ten up to twenty basic settlement sizes.

[Criminal Code, 1994](#)

Article 136.

## Forcing or Preventing Marriage

Forcing a woman to get married or continue cohabitation, or abducting her with intend to marry against her will, as well as preventing her to get married – shall be punished with fine up to twenty-five minimal monthly wages or correctional labor up to three years, or arrest up to six months, or imprisonment up to three years.

## VIETNAM

### [Vietnam Marriage and Family Law, 2014](#)

#### **Article 3.** Interpretation of terms

In this Law, the terms below are construed as follows:

[...]

6. Illegally marriage means a man and a woman's marriage already registered at a competent state agency in which either or both of them violate(s) the marriage conditions prescribed in Article 8 of this Law.

[...]

8. Underage marriage means getting married when one or both partners has or have not reached the marriage age prescribed at Point a, Clause 1, Article 8 of this Law.

9. Forcing marriage or divorce means threatening, intimidating spiritually, maltreating, ill-treating, demanding property or another act to force a person to get married or to divorce against his/her will. [...]

#### Article 5. Protection of the marriage and family regime

[...]

2. The following acts are prohibited:

[...]

b. Underage marriage, forcing a person into marriage, deceiving a person into marriage, obstructing marriage;

[...]

i. Taking advantage of marriage and family rights for human trafficking, labor exploitation or sexual abuse or committing another act for self-seeking purposes.

2. All acts of violating the marriage and family law shall be handled strictly in accordance with law.

#### Article 8. Conditions for getting married

1. A man and a woman wishing to marry each other must satisfy the following conditions:

a. The man is full 20 years or older, the woman is full 18 years or older;

b. The marriage is voluntarily decided by the man and woman; [...]

#### **Article 10.** Persons having the right to request annulment of illegal marriage

1. A person who is forced or deceived into a marriage has, as prescribed by the civil procedure law, the right to request by himself/herself, or propose a person or an organization prescribed in Clause 2 of this Article to request, a court to annul his/her illegal marriage due to violation of Point b, Clause 1, Article 8 of this Law.

2. The following persons, agencies and organizations have, as prescribed by the civil procedure law, the right to request a court to annul an illegal marriage due to violation of Point a, c or d, Clause 1, Article 8 of this Law;

- a. The spouse of a married person who gets married to another person; parent, child, guardian or another at-law representative of a person who gets married illegally;
  - b. The state management agency in charge of families;
  - c. The state management agency in charge of children;
  - d. The women's union.
3. When detecting an illegal marriage, other persons, agencies or organizations have the right to propose an agency or organization prescribed at Point b, c, or d, Clause 2 of this Article to request a court to annul such marriage.

#### Article 11. Handling of illegal marriage

1. A court shall handle illegal marriage in accordance with this Law and the civil procedure law.
2. In case at the time of a court's settlement of a request for annulment of an illegal marriage, both partners fully satisfy the marriage conditions prescribed in Article 8 of this Law and request recognition of their marriage relation, the court shall recognize that relation. In this case, the marriage relation shall be established from the time both partners fully satisfy the marriage conditions as prescribed by this Law.
3. A court's decision annulling an illegal marriage or recognizing a marriage relation shall be sent to the agency having registered that marriage for recording in the civil status register; to the two partners of the illegal marriage; and to related persons, agencies and organizations as prescribed by the civil procedure law.
4. The Supreme People's Court shall assume the prime responsibility for, and coordinate with the Supreme People's Procuracy and the Ministry of Justice in, guiding this Article.

#### Article 12. Legal consequences of the annulment of illegal marriage

1. When an illegal marriage is annulled, the two partners of such marriage shall stop their husband and wife relation.
2. The rights and obligations of parents and children shall be settled according to provisions on rights and obligations of parents and children upon divorce.
3. Property relations, obligations and contracts between the parties shall be settled according to Article 16 of this Law.

#### [Law on Domestic Violence Prevention and Control, 2007](#)

##### Article 2. Domestic violence acts.

The acts of domestic violence consist of:

[...]

- f) Forced child marriage; forced marriage or divorce and obstruction to freewill and progressive marriage.

[...]

##### Article 18. Discovering and reporting domestic violence acts

1. The person who discovers domestic violence acts shall report these to the nearest police station or to the commune People's Committee or the community leader at the scene of violence, except for the cases referred to in paragraph 3 of Article 23 and paragraph 4 of Article 29.
2. The Police station, the commune People's Committee and the community leader, that have discovered or been informed of domestic violence acts shall be responsible for timely dealing with the case or requesting the relevant authorities or individuals to do it and keep the identity of the reporter confidential, and as/if necessary, protect the person reporting domestic violence acts.

##### Article 19. Prevention and protection measures

1. Prevention and protection measures shall be applied to protect the victim of domestic violence, stop violent acts and minimize the consequences of domestic violence, including:

- a) Stopping domestic violence acts;
- b) Making first aid arrangements for the victim of domestic violence;
- c) Taking preventive measures in accordance with the Law in dealing with the violations of civil and criminal nature applicable to the person committing domestic violence; [...]

Article 42. Dealing with the domestic violence committing person

1. The domestic violence committing person, depending on the severity of the violation, shall either be fined as a civil violation, disciplined or charged for criminal penalty and have to compensate for any damages caused. [...]

#### [Decree No. 110/2013/ND-CP, 2013](#)

#### **Article 47. Acts of child betrothal or organization of child betrothal**

1. A caution or a fine of between VND 500,000 and 1,000,000 shall be imposed for the acts of organization of marriage for persons who are under marriageable age;
2. A fine of between VND 1,000,000 and 3,000,000 shall be imposed for the acts of deliberately illegally maintaining conjugal relationship despite of the Court's decision to coercively terminate that relationship; [...]

#### **Article 48. Acts of violation of regulation on prohibition of marriage, monogamy; violation of regulation on divorce**

1. A fine of between VND 1,000,000 and 3,000,000 shall be imposed for one of the acts as follows:  
[...]

- dd) Getting married between adoptive parents with adopted children;
- e) Getting married to person who used to be adoptive parents, husband's father to daughter-in-law, wife's mother to son-in-law, stepfather to wife's own child, stepmother to husband's own child  
[...]

#### [Penal Code, 1999](#)

#### **Article 148.- Organizing underage marriage, entering into underage marriage**

Those who commit one of the following acts, have already been administratively sanctioned but repeat their violation, shall be subject to warning, non-custodial reform for up to two years or a prison term of between three months and two years:

- a) Organizing marriage for underage persons;
- b) Deliberately maintaining the illegal conjugal relationship with underage persons though the court has already decided the termination of such relationship. [...]

#### **Article 149.- Registering illegal marriage**

1. Those who are responsible for the registration of marriage and know clearly that the applicants are not qualified for the marriage and still make the registration for such persons, have been disciplined for such act but repeat their violation, shall be subject to warning, non-custodial reform for up to two years or a prison term of between three months and two years.

2. The offenders may also be banned from holding certain posts for one to five years.

## YEMEN

### [Personal Status Law, 1992 \(as amended\)](#)

**Article (14):** The husband and the wife's guardian must record the marriage contract paper with the competent authority within a week from the date of the contract, otherwise each of them will be punished according to what is stipulated in the law. The obligation falls on others, and the marriage contract paper must include the necessary information such as the age of the spouses, identity card numbers and the amount of the dowry.

## Chapter II

### State in marriage

**Article (15):** It is not allowed to marry off a minor, male or female, who has not reached fifteen years of age.

[...]

**Article 23:** The consent of the woman to marriage is required, silence is the indication of consent of a virgin to marriage. The consent of a previously married woman should be expressed [at the time of re-marriage].



