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Domesticating human rights: restricting child marriage in Spain

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ABSTRACT

Child marriage, considered a human rights violation, occurs not just in the Global South, but is also legal in wealthy western countries. Why did Spain legally restrict child marriage in 2015? This is puzzling because by 2015, the incidence of child marriage had sharply declined; national news media rarely covered the issue, which also lacked social movement advocacy; and Spain had ratified international conventions pushing for an end to child marriage years earlier without implementing changes domestically. How, then, did a low salience issue result in legal reform in 2015? We argue that a critical actor approach, coupled with international norms diffusion and issue framing and bundling, can account for the timing, the lack of opposition, and the success of the reform. Our qualitative analysis shows that international human rights actors pushed for raising the legal marriage age. The reform itself was bundled with a broader reform package to protect children and enacted as part of a reform of Spain's Civil Code. Furthermore, child marriage was framed as having little significance in Spain, thus minimising potential opposition. We compare the successful restriction to child marriage in 2015 with a failed attempt in 2018 to outlaw remaining exceptions to child marriage.

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Introduction

Child marriages, widely regarded a human rights violation and commonplace in lower- and middle-income (LMI) countries, also occur with some frequency in wealthy western countries. We focus on Spain, a high-income, Western European country that is rarely mentioned in extant research on child marriage, and ask why Spain changed its laws in 2015 to restrict child marriage. Prior to 2015, in Spain, children as young as 14 could legally marry with permission from a judge – one of the lowest age minimums for marriage not just in Europe but also globally. Between 1975 (the beginning of the transition to democracy) and 2015, a total of 220,263 children – predominantly girls – legally married. In 2015, the minimum age for persons to legally enter marriage was raised to 18 with the exception of emancipated minors,¹ who could marry at age 16. However, by 2015, the number of child marriages had steadily declined from a high of

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almost 18,000 in 1978 to 70 in 2014, suggesting that this was not a high priority issue at that time; national media rarely mentioned it as a domestic problem. Furthermore, Spain had signed and ratified several international treaties and conventions condemning child marriage in the decades prior to 2015. Why, then, did the law change when child marriages had become relatively rare but not when they had occurred more frequently? That is, why and how did a low salience issue rise to the agenda and result in legislative change in 2015?

UNICEF declares child marriage – marriage involving a person under the age of 18² – to be a ‘fundamental violation of human rights’³; similarly, the United Nations Human Rights Council unequivocally states that child marriage constitutes ‘a harmful practice that violates, abuses and impairs human rights’ with a ‘disproportionately negative impact on women and girls’.⁴ Wedding as a child is widely associated with detrimental consequences especially for girls, including early childbirth and adverse health consequences and heightened morbidity for both the mother and the child; psychological trauma; an increased risk of being the victim of domestic violence and abuse; and higher rates of dropping out of school and experiencing poverty.⁵ Early marriage has also been linked to girls’ and women’s political and social behaviour – when females marry at a young age, they are less likely to participate in politics in the future.⁶

We argue that international norms diffusion constitutes an important motivation for limiting child marriage but by itself cannot easily account for the timing in raising the minimum marriage age in Spain. We posit that a ‘critical actor’ approach can explain why the issue was raised from obscurity to the national agenda, while a combination of additional factors – especially issue framing and bundling – allowed the reform to pass without political opposition.

Child marriage in Spain

Globally, about 12 million girls – approximately one in five – under the age of 18 enter marriage annually, mostly commonly in West and Central Africa, South Asia, and Latin America and the Caribbean; marriage of underaged boys occurs significantly less frequently.⁷ Reasons for child marriages in poorer countries include a lack of economic resources, lack of educational opportunities for girls, conflict and insecurity, stigmatisation of pregnancy outside of marriage, and gender inequality. Furthermore, childhood and by extension child marriage are sometimes considered culturally constructed concepts and as such, there is no universal agreement that the end of childhood should be globally set at 18. It has also been argued that banning child marriage deprives individuals below the age of 18 of agency and may not be harmful in all cases.⁸ Consequently, international norms and legal frameworks treating child marriage as a human rights violation are not universally accepted and are subject to criticism of cultural and western biases.⁹

Here, we do not aim to contribute to the normative discussion of child marriage but instead focus on Spain as an interesting case precisely because the existence of child marriages in a western country is unexpected and has received little scholarly attention. Western countries, including Spain, tend to condemn the practice in the Global South while often allowing child marriage domestically, generally with little public awareness. We understand Spain as a case where child marriage was legal in an affluent western state despite being a signatory to international norms pushing to end marriage before age 18.

Furthermore, social norms in Spain did not favour early marriage: in 2015, the average age of first marriage for women was 32.7 (and 34.9 for men), an increase of 7.5 years compared to 1981.¹⁰ Regarding the stigmatisation of unmarried pregnant girls, it is notable that 44.5% of births in 2015 occurred outside of wedlock,¹¹ suggesting that pregnancy outside of marriage was a common occurrence rather than an event that socially stigmatised unwed mothers. Social or cultural pressures on girls to marry young thus appear to provide weak explanations at best to account for the existence of laws that allowed minors to marry.

Spanish children were able to marry as young as 14 with permission from a judge and at 16 could get married with parental consent; emancipated minors were also allowed to marry, while entering marriage automatically emancipated a minor, as established in Spain's Civil Code. This changed in 2015, when the Ley de Jurisdicción Voluntaria amended the Civil Code and rendered marriage under the age of 16 illegal; children aged 16 and 17 had to be emancipated minors and needed permission from a judge to wed. The minimum age for emancipation of a minor was also raised to 16 so that younger children were no longer able to request emancipation as a way of obtaining permission to marry.¹²

By 2015, the frequency of child marriages had declined considerably. Between 1975 and 2015, 198,268 girls and 21,995 boys under 18 were legally married. This included 28,690 children under the age of 16 (27,535 girls and 1,155 boys). 1978 marked the apex with 17,692 cases, followed by a steady decline to less than 100 per year since 2013 (see Figure 1 and Table 1).

Notably, once Spain legalised same-sex marriage in 2005, persons younger than 18 rarely entered same-sex marriages even prior to the 2015 reform. Between 2005 and

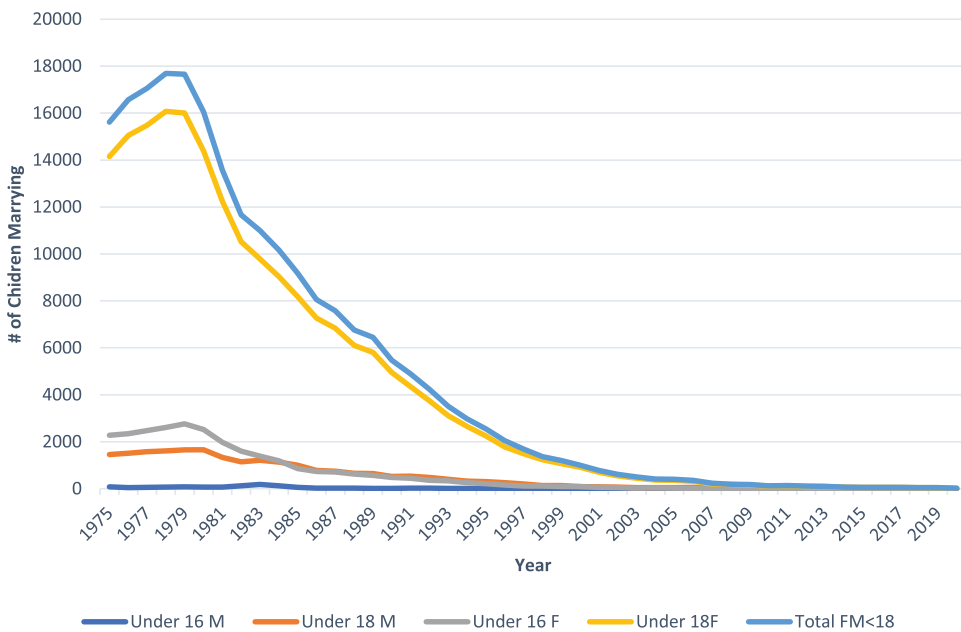


Figure 1. Number of persons under 18 entering marriage, 1975–2020.

Source: Authors' compilation, based on INE (Instituto Nacional de Estadística, <https://www.ine.es/>).

Table 1. Frequency of child marriage, 1996–2019.

| Year | Girls < 16 | Girls 16–17 | Total Girls < 18 | Boys < 16 | Boys 16–17 | Total Boys < 18 | Total < 18 |
|--------------|------------|-------------|------------------|-----------|------------|-----------------|------------|
| 1996 | 152 | 1628 | 1780 | 3 | 259 | 262 | 2042 |
| 1997 | 112 | 1379 | 1491 | 4 | 193 | 197 | 1688 |
| 1998 | 114 | 1119 | 1233 | 4 | 135 | 139 | 1372 |
| 1999 | 88 | 982 | 1070 | 5 | 126 | 131 | 1201 |
| 2000 | 86 | 821 | 907 | 2 | 93 | 95 | 1002 |
| 2001 | 60 | 642 | 702 | 4 | 72 | 76 | 778 |
| 2002 | 48 | 493 | 541 | 3 | 68 | 71 | 612 |
| 2003 | 28 | 423 | 451 | 1 | 48 | 49 | 500 |
| 2004 | 35 | 337 | 372 | 4 | 39 | 43 | 415 |
| 2005 | 19 | 334 | 353 | 3 | 48 | 51 | 404 |
| 2006 | 18 | 290 | 308 | 0 | 54 | 54 | 362 |
| 2007 | 9 | 194 | 203 | 0 | 29 | 29 | 232 |
| 2008 | 6 | 169 | 175 | 0 | 15 | 15 | 190 |
| 2009 | 12 | 150 | 162 | 2 | 13 | 15 | 177 |
| 2010 | 2 | 112 | 114 | 1 | 11 | 12 | 126 |
| 2011 | 9 | 110 | 119 | 0 | 20 | 20 | 139 |
| 2012 | 4 | 83 | 87 | 1 | 26 | 27 | 114 |
| 2013 | 2 | 83 | 85 | 0 | 14 | 14 | 99 |
| 2014 | 1 | 63 | 64 | 1 | 5 | 6 | 70 |
| 2015 | 4 | 50 | 54 | 0 | 8 | 8 | 62 |
| 2016 | 1 | 53 | 54 | 1 | 5 | 6 | 60 |
| 2017 | 1 | 54 | 55 | 0 | 3 | 3 | 58 |
| 2018 | 0 | 46 | 46 | 0 | 0 | 0 | 46 |
| 2019 | 0 | 46 | 46 | 0 | 4 | 4 | 50 |
| 2020 | 0 | 20 | 20 | 0 | 1 | 1 | 21 |
| Total | 811 | 9681 | 10492 | 39 | 1289 | 1328 | 11820 |

Source: Authors' compilation based on INE (Instituto Nacional de Estadística, <https://www.ine.es/>).

2020, a total of four females (three between 2005 and 2015; one after 2015) and eight males (seven between 2005 and 2015; one after 2015) under 18 legally married a person of the same sex (data provided by INE, the Instituto Nacional de Estadística). Child marriage in Spain thus primarily affects girls who wed older males.

Reforming the minimum age for marriage: an explanatory framework

The reform to increase the minimum marriage age is puzzling for several reasons. First, Spain had been a signatory to numerous international agreements establishing child marriage as a human rights violation decades before the change in the marriage age but had neglected to change its domestic legal framework. Second, by 2015, child marriage occurred infrequently and had low public visibility. How, then, did the issue rise in significance to result in changed legislation in 2015? And how can we explain that the reform was successful and faced no opposition?¹³

We conceptualise child marriage in Spain in 2015 as a low salience issue for two reasons. For one, the frequency of underaged marriages had significantly decreased by 2015 and did not present a widespread policy problem that affected a large part of the population or electorate. We also note an absence of domestic social groups or proponents advocating forcefully for an end to child marriage in Spain. Second, the topic received scant media coverage – extensive news coverage could potentially have propelled child marriage to a high-salience issue (see Lusvardi 2022).¹⁴ We selected Spain's major national newspaper, *El País*, as the source for media coverage, because it is 'the top-ranked Spanish-language media outlet' with the largest distribution.¹⁵ We

searched the archive of *El País* from 2005 to 2020, covering the decade before the reform as well as the years afterwards, to gauge how frequently the topic was discussed. We found a total of just 11 articles over the 15-year period that discussed child marriage in Spain in the country's major newspaper. One article was published in 2010; three articles were published in 2011 and 2013 each; and two in 2015 and 2018 respectively. In addition, two articles (one in 2005 and one in 2013) discussed child marriage in a different country but also briefly mentioned Spain. No articles were published in the remaining years (see Appendix). Clearly, media coverage provides no indication that this was a salient policy issue.

Comparative cases of legislative changes to ban child marriage suggest some explanatory clues, with international norms featuring prominently. In Trinidad and Tobago, international norms were instrumental in penetrating domestic and local customs and were referenced by proponents of ending child marriage.¹⁶ For Kenya, Cloward finds that international norms can provide 'moral suasion' encouraging changed behaviours and gradual softening of established local norms over time;¹⁷ Mwambene and Mawodza discuss efforts in Malawi to comply with international norms on child marriage.¹⁸ A large-N study of 167 countries finds that the 1989 Convention on the Rights of the Child (CRC) resulted in an increase of countries that outlawed or enacted stricter child marriage laws, while the 1979 CEDAW (Convention on the Elimination of all Forms of Discrimination Against Women) had little independent effect;¹⁹ however, CEDAW has had a positive effect in other areas, such as women's political rights.²⁰ Extant research thus suggests that international norms play a role for child marriage laws although the effect may be nuanced.

Based on these findings, we expect the diffusion of international human rights norms to matter for the reform in Spain. Yet, this explanation cannot easily account for the timing of the reform, nor for the absence of opposition and contestation. We therefore consider international norms as perhaps necessary, but not sufficient, for the Spanish case.

Our argument emphasizes the importance of political factors. Borrowing from the 'critical actor' literature,²¹ we analyse how such actors are crucial for pushing child marriage, a low salience issue, to the forefront. 'Critical actors' present women's substantive representation and promote women's policy gains, which can take place in various sites and can extend to a range of actors; these critical actors are not constrained to women in parliament.²² Sometimes referred to as 'policy entrepreneurs', critical actors are defined as those actors who 'act individually or collectively to bring about women-friendly policy change'.²³ Childs and Krook point to the importance of identifying critical actors 'through careful examination of micro-level interactions' by asking questions such as who initiates and acts on policy proposals, whether they collaborate with others, what strategies they use, and whether they are successful.²⁴ Focusing on the issue at hand, women in governmental positions can decrease the frequency of child marriage.²⁵ While existing studies tend to place critical actors within the legislative process, this concept could be expanded to include the media, interest groups, political parties, social movements, or others that are able to play a crucial role in initiating meaningful policy change.

We focus on two potential critical actors. First, we lean on the literature linking women's descriptive representation with substantive representation and examine the

representation of women in the executive and legislature. We find little evidence that women legislators initiated restrictions to child marriage. Second, we consider alternative actors. We find that international organisations pushing international norms filled the role of a critical actor by requesting compliance and thus moved the issue onto the agenda, thereby propelling a low salience issue to one that demanded a policy response leading up to 2015.

Additional factors, in particular bundling of reforms to protect children, and the presence of an advocate for the reform in charge of the relevant process of drafting the reform bundle, mattered. Framing of the issue also contributed to the timing of the reform and a lack of political opposition, which is surprising giving that extant literature identifies marriage legislation as part of family law, commonly facing contestation and parliamentary opposition especially if the proposed law violates established local norms and practices.²⁶ To further assess the explanatory power of our framework, we contrast the successful 2015 reform with an unsuccessful attempt in 2018 to eliminate all exceptions to marriage under 18.

Our analysis is informed by several primary sources. We searched for all reports on the change in the minimum marriage age in Spain in the country's leading daily newspaper, *El País*, spanning the years from 2005 to 2020. We reviewed relevant legislative debates. We also conducted three in-depth interviews: one with a core government personnel leading the effort to change the minimum marriage age; and two interviews with Spanish representatives from NGOs focusing on children's rights in Spain (Save the Children and UNICEF). The interviews were approved by the University of Central Florida's Institutional Review Board.

We now examine how a critical actor approach can account for the timing of the reform. We then rely on issue bundling and framing to explain the success of the reform and the lack of opposition.

Critical actors and marriage reform in Spain

Women as a critical actor?

Child marriage constitutes a 'globally recognized indicator of gender inequality' as it affects predominantly girls.²⁷ Thus, child marriage lies at the intersection of age and gender. Existing studies point to the significance of the presence of women in office on gender policies.²⁸ Regarding child marriage specifically, Ebetürk finds that women's presence in legislatures is positively related to setting 18 as the minimum age for marriage.²⁹ Given the gendered nature of the issue, a higher presence of women in legislative or executive positions may explain why the minimum marriage age was raised in 2015.

Did women constitute a 'critical actor' in changing the minimum marriage age? At the executive level, the share of women ministers was 30.8% during the 2011–2016 legislature under Prime Minister Rajoy (PP), when the law was proposed and passed. This is less than the 50% and 52.9% of the two previous legislatures under Prime Minister Zapatero (PSOE), when initial discussions surrounding child marriage began. Notably, the Minister of Sanidad, Servicios Sociales e Igualdad, Ana Mato (PP), who occupied a core role in the process, was also female. Within the legislature, women held 36% of the seats during the 2011–2016 legislature – about the same share as the previous two PSOE legislatures

with 36% (2004–2008) and 36.3% (2008–2011) respectively. Thus, Spain had experienced about a decade where women were considerably better represented than in the previous two legislatures, which saw 28.6% of women ministers and 22% of women MPs (1996–2000) and 18.8% women ministers and 28.3% women MPs (2000–2004).³⁰ It is possible that the reform resulted from heightened women's representation where 'women's issues' were more likely to be addressed. However, we found no evidence that women in elected or executive office initiated this change as part of an agenda focused on gender, or that they played a critical role in pushing this agenda item in the legislature.

Furthermore, although news reports, including experts cited in news stories, frequently referred to the fact that child marriage particularly affected girls rather than boys,³¹ the issue was commonly framed as protecting children rather than as a women's rights and gender equality issue. The Director General of the Services for Families and Children at the time, who drafted the reform, was female but stated in an interview that she did not think her gender drove the proposal, which was part of a broad effort to protect children.³² A member of UNICEF who was involved in the discussion at the time confirmed that while the gender issue was understood, it was not emphasized and changing the minimum marriage age was not framed as a gender equality issue.³³ The absence of references to child marriage as a gender equality issue may explain why there was no opposition in changing a law that primarily affected females, as is often the case in gender equality initiatives.³⁴

Similarly, we found no evidence of substantial social movement advocacy that could have propelled the issue to the forefront to drive the policy change. We thus turn to the role of international organisations as a critical actor pushing for a policy change.

International human rights actors and norms as a critical actor?

International norms and actors

A web of international treaties, conventions, and laws establish child marriage as a human rights violation and set 18 as the recommended minimum age for marriage; however, there is no explicit binding international human right banning marriage under the age of 18.³⁵ Explicit statements regarding minimum age for marriage are sometimes lacking and are also inconsistent and have changed over time.³⁶ Some major treaties, conventions, and declarations include Art. 16 of the 1948 Universal Declaration of Human Rights stating that persons must be 'at full age' to marry and must do so with 'free and full consent';³⁷ according to Art. 1 of the 1989 CRC, persons under the age of 18 are considered children unless by law, 'majority is attained earlier'.³⁸ The UN High Commissioner for Human Rights defines child marriages as those marital unions 'where at least one of the parties is under 18 years of age' and declares them to be a human rights violation.³⁹ UNFPA also sets 18 as the age when a marriage is no longer considered a child marriage.⁴⁰ The 1979 CEDAW, Art. 16.2, states that marriages involving a child 'shall have no legal effect'. UNICEF (2022) states unequivocally that 'Marriage before the age of 18 is a violation of human rights ...'.⁴¹ Child marriage has also been associated with slavery when a family promises or gives a daughter in marriage in return for economic benefits, which has been argued to violate the UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.⁴²

Spain signed or co-sponsored numerous international declarations and conventions that set the minimum age for marriage at 18. This includes the UN Human Rights Resolutions in 2013, 2015, 2017, and 2019 on child, early and forced marriage and their consequences. Spain co-sponsored UN General Assembly resolutions on child, early, and forced marriage in 2013, 2014, 2018 and 2020 and ratified the CRC in 1990, as well as the Istanbul Convention, which criminalises forced marriage of an adult or child, in April 2014.⁴³ Yet, Spain never ‘domesticated’ these international norms, that is, they were not adopted into national legislation.⁴⁴

International human rights norms and legal frameworks do not automatically become national law in signatory states. They can, however, be useful tools in advancing human rights as they highlight the significance of the issue,⁴⁵ and can thus have symbolic relevance. They can also serve as a reference point for countries when reforming domestic laws not in compliance with the international norms.⁴⁶

In the Spanish case, international human rights organisations acting as ‘critical actors’ pushed for compliance with international norms to set the minimum marriage age at 18. However, in some cases the recommendations themselves changed over time and presented a ‘moving target’. The CRC issues periodic reviews of states’ progress towards compliance. While the first review of Spain’s progress in 1994 did not mention the minimum age for marriage,⁴⁷ the CRC committee’s 2002 observations on Spain’s second report (submitted in 1998) expressed ‘concern at the low age of marriage’, recommending that Spain ‘review its legislation with a view to increasing the minimum age of marriage’⁴⁸ without, however, specifying a concrete target minimum age. The observations of the next periodic review in 2010 ‘reiterates its concern that a judge may authorize marriage as low as 14 years of age under exceptional circumstances’ and recommended to increase the minimum age for exceptions granted by a judge to 16 years.⁴⁹ Yet, in 2018, the CRC recommended that Spain remove all exceptions to marriage below 18.⁵⁰ Thus, international bodies and specifically the CRC served as ‘critical actors’ to expressly request a reform of the minimum marriage age, while specific recommendations varied over time.

Despite this inconsistency, the international context was core in propelling the marriage age reform to the forefront and putting a low salience issue on the agenda in 2015 by repeatedly calling out Spain’s non-compliance and requesting changes. The request for compliance with CRC recommendations therefore played a major role in elevating child marriage from a low salience issue to an agenda item. The government justified raising the minimum marriage age with the request by the UN Committee for the Rights of the Child, which constituted the ‘determinant’ justification for the reform that was provided to the government, and the reform responded to requests from the CRC Committee to revise the minimum marriage age.⁵¹ As detailed below, the person in charge of developing the reform then had a crucial role in making the minimum marriage age part of a broader set of reforms.

European institutions

Spain joined the European Union (EU) in 1986 and is firmly embedded in European institutions, which also mattered in changing the minimum marriage age. The EU Charter of Fundamental Rights (Art. 9) recognises the right to marry but also grants the member states the right to regulate marriage,⁵² and minimum marriage ages

therefore vary across member states. Most countries established 16 as the minimum age for marriage, generally while requiring judicial and/or parental consent until age 18. Sweden and Luxembourg outlawed child marriage in 2014, The Netherlands in 2015, Denmark and Germany in 2017, and Finland and Ireland in 2019. Thus, Spain was an outlier in the EU context with its exceptionally low minimum marriage age prior to 2015. Author interviews highlighted the importance of the European comparison. One respondent noted that ‘one of the principal arguments was that Spain’s [minimum marriage age] was the lowest in Europe’ and that the change in the law illustrates the significance of the European context on Spanish norms and policies.⁵³ Another respondent commented that the international, and in particular the European, context, was considered.⁵⁴ Media reports similarly noted that the reform was aimed to align Spain with other EU countries.⁵⁵

This norm diffusion within the EU may reflect the impact of spatial and regional proximity,⁵⁶ or the significance of membership in international organisations;⁵⁷ either way, the EU context established an important reference point and contributed to the motivation for the reform but fell short of a critical actor role as it did not actively push the agenda on an institutional level.

The Council of Europe’s⁵⁸ European Convention on Human Rights (Art. 12), recognised by the EU, also grants the right to marriage and points to the role of the state in regulating marriage. The Council of Europe’s Parliamentary Assembly issued a 2005 resolution urging member states to legislate the minimum age for marriage at 18, to refrain from recognising marriages involving children that occurred in other states, and to facilitate the annulment of those marriages.⁵⁹ An interview respondent who played a core role in preparing the reform acknowledged that in addition to the CRC Committee’s requests, the change in the minimum marriage age was also in response to requests from the Council of Europe, and that there was a sense of aligning the norms in Spain with those of the surrounding countries.⁶⁰

Thus, international norms set standards and the comparison with other EU member states was important. Moreover, international actors – especially the CRC Committee and to a lesser extent the Council of Europe – provided a ‘critical actor’ function that was crucial in elevating child marriage from a broadly ignored, low salience issue to an issue that rose to the level of legislative reform. Representatives of several groups including UNICEF were invited to participate in a working group to discuss reforms to protect children and were able to provide input.⁶¹ Yet, being pushed onto the agenda does not guarantee a successful adoption. We now turn to an evaluation of factors that led to the success of the reform.

Reforming child marriage: the role of issue bundling and framing

The successful attempt to increase the minimum marriage age followed several years of discussion dating back to 2009. Both the centre-left PSOE under Prime Minister Zapatero (2004–2011) and the conservative Partido Popular (PP) under Prime Minister Rajoy (2011–2018) supported a reform during their respective administrations. In 2009, under Zapatero’s minority government, parliament had unanimously approved changing the age of sexual consent from 13 to 16 along with the change in minimum marriage age from 14 to 16, which was expected to become law in 2013.⁶² In 2011, the

PSOE Minister of Health, Social Policy, and Equality (Sanidad, Política Social e Igualdad), Leire Pajín, announced that a committee of experts was preparing a draft of bill to protect children, which also included the minimum age for marriage.⁶³ However, the new law did not get passed until July 2015.

We posit that framing and ‘issue bundling’ had a core role in accounting for the timing of the reform in 2015 as well as for the lack of contestation. We think of frames as ‘schemata of interpretation’⁶⁴ where framing constitutes a ‘more or less consciously managed process by which these schemata are manufactured, selected, distributed and adopted in successive steps’.⁶⁵ Frames emphasize selected aspects of topics or issues and thereby suggest how these topics are evaluated and interpreted.⁶⁶ Framing can play a crucial role in producing policy consensus.⁶⁷ The initiative to restrict child marriage was framed in ways that minimised opposition, presenting it as part of a larger package (‘issue bundling’) to protect children; as an issue of low importance and salience (‘non-issue’); and as pertaining primarily to specific demographic groups rather than being a widespread concern that affected Spanish society broadly (‘issue of others’).

We conceptualise ‘issue bundling’ similar to ‘issue linkage’⁶⁸ and ‘norm clusters’, defined as ‘collections of aligned, but distinct norms or principles at the centre of a regime’.⁶⁹ Norms that are embedded in a norm cluster may be more resilient and stable than those that are not.⁷⁰ In contrast, the clustering of norms and the related framing of issues can also result in diluting the central norm in question.⁷¹ However, in our case, we show how framing child marriage as part of a larger bundle of issues and policies related to the protection of children can account for a lack of contestation of the reform. At the same time, the adoption into law was also bundled with and buried in a broad revision of Spain’s Civil Code through the Ley de Jurisdicción Voluntaria, which was unrelated to human rights or child protection norms, thus being somewhat distinct from norm clusters and linked issues.

Issue bundling

Bundling the marriage age revision with other reforms reduced its visibility, thus minimising scrutiny, public discussion, and potential opposition. Restricting the legal marriage of minors was included in a comprehensive plan to protect children and youths and became law as part of a bill that changed administrative responsibilities rather than being a stand-alone bill, again being bundled with and buried in a range of reforms that were, however, unrelated to child marriage, protection of children, and human rights. This broad focus on protecting children included a discussion of the age of sexual consent and forced marriage as linked to child marriage. One interview respondent commented that ‘Many things changed. This situation was advantageous for changing the marriage age’.⁷² In interviews, respondents highlighted the crucial role played by the Director General for Family and Childhood Services, Salome Adroher, who coordinated the elaboration of the bundle of laws focused on protecting children that included the reform of the marriage age. Respondents pointed out that she was aware of the situation and ensured that the request to address child marriage was part of bundle.⁷³ Thus, core government personnel were able to assume a ‘critical actor’ role in implementing the reform without pushing the issue to the forefront of public discourse and played an important role in advancing the reform in response to requests from international bodies.

Comprehensive plan to protect children

Rather than being a stand-alone bill, raising the minimum marriage age had become part of a comprehensive plan to protect children by 2015. The II Plan Estratégico de Infancia y Adolescencia 2013–2016⁷⁴ was approved in April 2013.⁷⁵ Ana Mato, then Minister of Health, Social Services, and Equality (SSSI) under the PP government, stated that reforms proposed in the Plan ‘recognized for the first time the rights of minors’⁷⁶ and that the minimum marriage age would be raised to 16 through a reform of the Civil Code.⁷⁷ The II Plan Estratégico de Infancia (II PENIA 2013) expressed satisfaction that the number of minors entering wedlock had declined from 350 in 2006 to 137 in 2011⁷⁸ and recommended that the minimum age for marriage as well as the age of consent be raised in order to protect children in line with the recommendations of the UN Committee on the Rights of the Child and the Council of Europe, and that an agreement should be reached in parliament and be based on proposals by the SSSI and the Justice Ministry.⁷⁹ The Plan makes reference to the fact that Spain had ratified the UN Convention on the Rights of the Child in 1990 and that minors under the age of 18 were considered to be children in accordance with Art. 12 of the Spanish Constitution and Art. 1 of the CRC.⁸⁰ The 2017 final evaluation of the Plan concluded that the goal of raising the minimum marriage age (as well as the age of consent) was 100% completed, noting that the minimum age had been raised according to recommendations by the Observaciones del Comité de la ONU.⁸¹

The new marriage age became law as part of the 2014 Ley de Jurisdicción Voluntaria, which reformed the Civil Code;⁸² it then went through the relevant parliamentary committee, which passed it in April 2015, and was moved to the Senate, Spain’s upper house of parliament, for discussion and approval.⁸³ The revised Civil Code raised the minimum age at which a judge could approve the marriage of a minor from 14 to 16 for emancipated minors and 18 for all others. At the same time, the age at which minors can emancipate was raised to 16, thereby closing the door to using emancipation as a way to marriage before the age of 16. The law was thus bundled with a broad administrative reform of the role of judicial functions.

In sum, the increase in the minimum marriage age was framed in the context of protecting children and was part of a larger package of measures aimed at children’s welfare rather than focusing specifically on marriage regulation. The implementation of the reform through the Civil Code further obfuscated the measure as part of an administrative reform package not linked to children or human rights.

Age of sexual consent

The minimum marriage age was frequently discussed together with the age of sexual consent. Set at age 13, Spain had the lowest age of consent in Europe with exception of the Vatican (age 12) until 2015. In November 2012, the PSOE parliamentary group suggested raising the age of consent.⁸⁴ Minister Ana Mato announced that the age of consent would be addressed as part of the Plan Nacional de Infancia y la Adolescencia.⁸⁵ It was pointed out that it would make little sense to increase the age of sexual consent to 16 while allowing those aged 14 to marry and that it would be advisable to align those ages.⁸⁶ Spain subsequently raised the age of consent to 16 in 2015.⁸⁷ The reform of the age of consent, which was regulated through Spain’s Criminal Code, was more controversial with disagreements over what the new age of consent should be, including the

consideration of potential age gaps between a minor and an adult and concerns about the role of the state in regulating the sexual autonomy of adolescents.⁸⁸ In comparison, the marriage age received little attention and no opposition.

Forced marriage

Child marriage has been intrinsically linked to forced marriage, defined as ‘marriages performed without the consent of one or both parties’,⁸⁹ and constituting a human rights violation.⁹⁰ Forced marriages have been connected to child marriages because legal children do not have the legal capacity to provide ‘full, free, and informed consent’ to marriage;⁹¹ lack maturity to make those decisions; or are consenting to comply with social norms rather than making an independent decision.⁹² Therefore, one interpretation is that all child marriages are forced.⁹³

Spain ratified the 2014 Istanbul Convention, which declares that signatories had the duty to criminalise forced marriage of an adult or child.⁹⁴ In 2015, Spain passed an Organic Law⁹⁵ declaring forced marriages an independent criminal offense, and modified the 1995 Organic Law that had non-criminalized forced marriage previously.⁹⁶ One reason motivating the change in the minimum marriage age was that minors who received parental or judicial consent to marry may actually have been forced to wed.⁹⁷ National comprehensive data on forced marriage are lacking but some data provided by the Spanish autonomous community of Catalonia suggest that 60% of the recorded forced marriages involved underaged girls.⁹⁸ Villacampa and Torres report socio-demographic characteristics of their sample and note that of the 57 cases of forced marriages in their sample, all victims were female, and one-third were under the age of 18 at the time when the victim was married or promised in marriage,⁹⁹ thus providing some evidence for the connection between forced and child marriages.

Forced marriages were a major consideration in increasing the minimum marriage age, according to the President of the Plataforma de Infancia, Carlos Martínez-Almeida, who stated that although the number of child marriages in Spain was statistically ‘irrelevant’, raising the minimum marriage age would provide an impediment to forced marriages involving children.¹⁰⁰ Children’s rights groups had advocated for a change in the minimum marriage law out of concern that the existing law presented a risk for children to be pushed into forced marriages and rendering them vulnerable to exploitation.¹⁰¹ As child marriages were in decline, ‘politicians and activists alike say the new law is a mostly symbolic move against pedophilia and forced marriage’.¹⁰²

Child marriage as a ‘non-issue’

Kang posits that mobilisation by conservative activists decreases the likelihood of a reform of family law.¹⁰³ Remarkably, opposition to a change in the marriage age was absent and support was cross-partisan: the minimum marriage age reform was legislated under the conservative PP government, which built on the work during the previous centre-left PSOE government. During the committee and plenary discussions in parliament, no comments were raised regarding the new age restriction and there was no debate around marriage age reform. One deputy, Such Botella from the Socialist parliamentary group, noted that the Ley de Jurisdicción Voluntaria included the change in the marriage age, commenting that this change in and of itself was not related to the actual topic of the bill;¹⁰⁴ however, this was a criticism of procedure rather than of the proposed

change to the marriage age. This is in stark contrast to other cases where the raise in the minimum age for marriage met substantial opposition during the legislative process.¹⁰⁵ We argue that presenting child marriage as a ‘non-issue’ of low salience helped minimise potential opposition as the topic was not seen as politically controversial. An interview respondent stated that child marriage reform was not a ‘politically relevant question’ due to low number of cases.¹⁰⁶

Between 2010 and 2015, 22 girls and three boys under the age of 16 were married, as were 501 girls and 84 boys at the age of 16 and 17, reflecting a pronounced downward trend over the previous two decades (see [Table 1](#) and [Figure 1](#)). The II Plan de Infancia noted a satisfactory decline in the number of child marriages in the previous five years. Politicians and the media alike regularly pointed out that the number of child marriages was very low, ‘rare’, or almost ‘non-existent’.¹⁰⁷ In 2011, Minister Pajín (PSOE), who was at the time in charge of the issue, referred to child marriages as ‘exceptional’ occurrences and commented that a decision to change the minimum age was not ‘urgent’.¹⁰⁸ A representative from UNICEF in Spain stated that ‘the number of adolescents getting married is relatively small’.¹⁰⁹ Interview respondents explained that the more pressing, and contentious, reform concerned the change in the age of sexual consent to address issues of child abuse, while the minimum age of marriage was presented as less pressing.¹¹⁰ Thus, media coverage emphasized that few persons would be affected by the reform, and no organised or vocal group voiced opposition including opposition political parties. Yet, while the public discussion around child marriages highlighted that they occurred infrequently, others wondered why they happened at all in one of the richest countries in the world and observed that Spain had no legal framework against child marriage.¹¹¹

Child marriage as ‘issue of others’

Spain is not the only European country that took steps to outlaw child marriage over the last decade. In several Northern European countries, restricting child marriage has been considered a response to the large number of refugees and immigrants during the mid-2010s among whom the practice was more common.¹¹² In contrast, media coverage in Spain lacked references to refugees and immigrants as a potential source of child marriages or as a motivation to raise the minimum marriage age although interview respondents mentioned that marriage under 18 was slightly more prevalent in Moroccan communities.¹¹³

Instead, when discussing the (planned) reform, media reports mentioned the Roma community as a group where girls under 18 married more commonly. While systematic data on the demographics of those children who enter marriage do not exist, some studies suggest that the occurrence of child marriage varied across cultural and ethnic groups. According to a European Union (EU) study,¹¹⁴ among 11 EU member states including Spain, approximately 2% of girls aged 10–15 in the Roma community were married or living with a partner; and about 16% of Roma boys and girls aged 16–17 were ‘legally or traditionally married or cohabiting’.¹¹⁵ According to a 2016 survey, 36% of Roma women in Spain were married before they turned 18 although that trend has been declining and younger generations are less likely to be married before turning 18.¹¹⁶ Others, though, acknowledged that there was little systematic information about who the children were that married young; a representative of Save the Children in Spain, for example, commented that the perception that child marriages occur primarily

in certain religious groups or the Roma community may be mistaken, and that there was also a possibility that these communities would not register child marriages with the state,¹¹⁷ interview respondents also mentioned that possibility.¹¹⁸

While the media tended to focus on the Roma community, leaders of that community stated that the change in the law was welcome and that their community was experiencing a cultural shift where girls are getting married later than used to be customary because of improved educational and work prospects for girls.¹¹⁹ They supported 16 as an appropriate age for marriage since a person of that age has the capacity to make a decision.¹²⁰ An interview respondent who had a core role in drafting the reform also stated that the Roma associations did not raise any objections to changing the minimum age.¹²¹ By and large, outlawing the marriage of minors did not conflict with local norms as may be true for other cases¹²² and thus the absence of outright opposition from local groups is perhaps not surprising.

This narrative of ‘othering’¹²³ is manifest also in Spanish news reports focusing on child marriage as an issue of concern in other countries, generally in LMIs, without mentioning that child marriages also lawfully occurred in Spain. A review of articles in *El País* during the time revealed that considerably more articles on child marriage focused on countries other than Spain itself: at least 34 articles between 2005 and 2020 discussed child marriage elsewhere compared to 11 articles focusing on Spain (see Appendix).

Thus, several factors combined to facilitate the increase in the minimum marriage age. To test our argument further, we contrast the successful 2015 reform with a failed attempt to eliminate all exceptions in 2018.

Failed 2018 attempt to eliminate exceptions

In 2018, the parliamentary group of the then ruling conservative PP minority government attempted to outlaw marriage under 18 by eliminating the ability of judges to approve marriages for emancipated minors aged 16 or 17. The PP used a ‘proposición no de ley’, a legislative motion that is primarily of symbolic value and falls short of legal commitment.¹²⁴ However, it failed to get majority support in parliament. The contrast in the process and in the arguments exchanged during the 2018 debate compared with the 2015 reform is illustrative.

Process

The two processes differed in several ways. In 2018, child marriage was raised as a single issue (rather than being bundled with other complex reforms) in the plenary of the lower house of parliament with a debate including all parliamentary party groups. Marriage of those under 18 was framed as an important social problem despite the actual decline in cases (see Table 1) and the reform was advocated by a woman deputy in parliament, assuming the role of critical actor pushing a gendered issue.

Arguments

The stated motivation was to guarantee the development and to defend the interest of children. The justification cited international human rights condemning marriage

under the age of 18; mentioned that other rights, such as voting, require the age of 18; and stated that 807 marriages including individuals under 18 were concluded in Spain 2013–2016.¹²⁵ When the PP speaker introduced the *proposición no de ley* in the plenary session of parliament, she pointed to the fact that Spain condemned child marriage elsewhere; that other European countries had banned the practice; that the UN Human Rights Council had recently recommended to set the marriage age at 18; that children needed more protection; and that it was the most vulnerable children who tended to marry young. She also pointed to the negative consequences of child marriage for females, including the tendency to discontinue education, and mentioned the link between early marriage and forced marriage. She referenced in particular the Gitano community as a group where informal unions or marriages at 16 were more common, and stated that banning marriage under 18 would send a strong signal to those communities.

While some of these arguments resemble those from 2015, the ensuing debate differs considerably from the consensus support for the 2015 change in the minimum marriage age.¹²⁶ Speakers from the opposition parliamentary party groups questioned the accuracy and reliability of the data and expressed their lack of support for the proposal citing a variety of reasons. They pointed out that the PP had neglected to implement other measures to fight forced marriages but now wanted to strip the rights of emancipated 16- and 17-year olds; they questioned the underlying motivation; and they asked for a more thorough study of the few cases where persons under 18 had married since 2015. Others pointed to the fact that there was no demonstrated societal demand to respond to, given the low number of cases, and that other issues were more urgent. It was also pointed out that this push to eliminate exceptions appeared to be stereotyping the Gitana community when these exact stereotypes contributed to the denial of equal opportunities to females in that community. Similarly, it was argued that feminist policies also meant that women have autonomy and this measure would take rights away from women who were emancipated minors; instead, the government should make sure that young people stay in school, have improved reproductive rights, and the freedom to choose the life they want while the PP government had disempowered young women by restricting their rights elsewhere, especially regarding reproductive rights. It was mentioned that according to the proposed reform, a 16-year old could be forced to have a baby but would not have the right to choose marriage. Others stated that Spain was now aligned with other European countries. In fact, several speakers suggested considering lowering the age of majority from 18 to 16 to empower young people. Just one speaker supported the proposal, stating that it would help fight forced marriage.

In sum, compared to 2015, the proposal singled child marriage out as an issue rather than bundling it with related issues to protect children and burying it within complex administrative reforms, and the number of cases was framed as being high and thus constituting a salient social problem rather than a ‘non-issue’. This approach incurred considerable opposition, with arguments against a further restriction of marriage law based on the rights of emancipated minors; questioning the salience and urgency of the issue; and questioning the underlying motivation, which was suggested to be potentially rooted in stereotypes and discriminatory intent. The *proposición* was voted down by majority vote; only the ruling PP and three members of the Grupo Mixto (which is composed

of parties that are too small to form their own parliamentary groups) voted in favour. Media coverage of the debate was minimal; we found just two articles in *El País* mentioning the 2018 proposal.¹²⁷

Discussion and conclusions

Spain constitutes a curious case where a law was adopted to restrict child marriage, considered a human rights violation, although the issue itself was of low-salience. Our study shows how several factors combined to result in a successful reform. Norms diffusion had highlighted that Spain's low minimum marriage age made it somewhat of an outlier in the West European context. International human rights organisations pushed for compliance with outlawing child marriage, thus adopting a critical actor role. The issue was framed as non-controversial due to its low social relevance, received scant attention in national media, and was bundled with several broad reforms to protect children. The government official in charge of the broader reform bundle made sure that increasing the minimum age for marriage, as requested by international bodies, was included in the reform package. The change in the minimum age was adopted by being buried as part of a complex reform of the Civil Code rather than a stand-alone law and received little attention and no opposition as it passed through the legislative process. Thus, the minimum age for marriage was not actually raised because child marriage in and of itself was understood as a major concern in Spain that needed to be addressed; nor was it framed as an issue that needed to be resolved to promote gender equality. Rather, narratives pointed to related issues – raising the age of sexual consent to 16 while allowing marriage at age 14 would present inconsistencies; links between child marriages and forced marriage; and the fact that Spain was an outlier in the context of its West European neighbours. In fact, we argue that it is exactly those aspects that allowed for a smooth passage of the reform without political opposition.

The 2018 failed reform attempt supports our argument. When the issue was raised as a stand-alone issue in parliament and framed as a significant social concern, the opposition parties criticised the reasoning as well as the proposed measure itself and the reform attempt failed.

Has the reform been effective in reducing child marriage? Rather than constituting a critical inflection point or critical juncture resulting in drastically altered patterns of child marriage, the increase in the minimum marriage age largely perpetuated the pre-2015 patterns. For one, a small number of persons under the age of 18 continue to get married every year, which is not surprising given that the law allows for exceptions for those aged 16 and 17 who are emancipated minors, and the numbers have continued to decline as they had done prior to 2015 (see [Table 1](#)). Second, pre-existing trends also persist with regards to gendered patterns of marriage under 18: overwhelmingly, it is still predominantly females who enter marriage before age 18. Thus, the change in the minimum age perhaps indicates that Spanish law caught up with the reality of child marriages rather than setting a new norm that required radical changes in behaviours and practices. Yet, although a small number of 16- and 17- year olds still marry, representatives of international organisations stated that eliminating the existing exceptions is not a high priority, and that it would be somewhat inconsistent to prohibit emancipated minors to marry if they are granted most other rights of adulthood. In

addition, allowing for exceptions might also be in the best interest of the child in specific circumstances, for example in situations where they are neglected or abused in their home.¹²⁸

We acknowledge that this study has limitations. For one, a significant aspect regarding child marriages is not captured in our data. We rely on official data of marriages registered with the state only, while child marriage definitions tend to include ‘informal unions’ that are not registered with the state.¹²⁹ Given the lack of available data regarding informal unions, and unions that are not registered with the state, in Spain, it is not possible to assess the effect of the change in the law on informal unions involving persons under the age of 18. This is an important area for further research. Similarly, additional research should explore possible effects of the change in the law on adolescent girls’ health, teenage pregnancies, education, and intimate partner violence – all of which are concerns linked to child marriage.¹³⁰

Despite existing limitations, our study highlights that child marriage constitutes a human rights violation not just in poor countries of the Global South, but also in advanced industrialised countries, where children have lawfully entered marriage even in the absence of dominant social practices favouring early marriage. While extant research tends to focus on countries where child marriage occurs frequently and is often a subject of public contention, our study contributes to identifying factors that allow low salience issues in western countries to rise to the agenda and unpacks how states can move to compliance with international human rights.

Notes

1. Emancipation of a minor is ‘a legal process that allows minors to become independent of their parents or legal guardians before reaching the age of majority’. Jade Yeban, ‘How Do You Get Emancipated?’ *FindLaw*, 2023, <https://www.findlaw.com/family/emancipation-of-minors/how-do-you-get-emancipated.html>.
2. Child marriage is ‘... any marriage where at least one of the parties is under 18 years of age’. UN Committee on the Elimination of Discrimination against Women/Committee on the Rights of the Child ‘Joint General Comment No 31 of the CEDAW / No 18 of the CRC on harmful practices’ (2014), UN Doc CEDAW/C/GC/31-CRC/C/GC/18, 7.
3. UNICEF, ‘Child Marriage is a Violation of Human Rights, but is All Too Common’, 2023, <https://data.unicef.org/topic/child-protection/child-marriage/>.
4. UN (United Nations) General Assembly, ‘Resolution Adopted by the Human Rights Council 29/8, Strengthening Efforts to Prevent and Eliminate Child, Early, and Forced Marriage’, A/HRC/RES/29/8 (2015), 2.
5. Ruth Gaffney-Rhys, ‘International Law as an Instrument to Combat Child Marriage’, *The International Journal of Human Rights* 1, no. 3 (2011): 359–73; Elizabeth Kitson, ‘Whose Foot is in the Tight Shoe? Negotiating Inclusive Pathways for the Eradication of Child Marriage in West Africa’, *International Journal of Children’s Rights* 24, no. 4 (2016): 718–40; Nawal M. Nour, ‘Child Marriage: A Silent Health and Human Rights Issue’, *Review in Obstetrics and Gynecology* 2, no. 1 (2009): 51–6; Jennifer Parsons, Jeffrey Edmeades, Aslihan Kes, Suzanne Petroni, Maggie Sexton, and Quentin Wodon, ‘Economic Impacts of Child Marriage: A Review of the Literature’, *The Review of Faith & International Affairs* 13, no. 3 (2015): 12–22; UN General Assembly, Resolution Human Rights Council.
6. Fenella Carpena and Francesca R. Jensenius, ‘Age of Marriage and Women’s Political Engagement: Evidence from India’, *Journal of Politics* 83, no. 4 (2021): 1823–8.
7. UN HROHC (United Nations Human Rights Office of the High Commissioner), ‘Child and Forced Marriage, Including in Humanitarian Settings’, <https://www.ohchr.org/en/issues/>

- women/wrgs/pages/childmarriage.aspx; UNICEF, 'Child Marriage Violation Human Rights'.
8. See Annie Bunting, 'Stages of Development: Marriage of Girls and Teens as an International Human Rights Issue', *Social & Legal Studies* 14, no. 1 (2005): 17–38; Hoko Horii, 'A Blind Spot in International Human Rights Framework: A Space between Tradition and Modernity within the Child Marriage Discourse', *The International Journal of Human Rights* 24, no. 8 (2020): 1057–79; Susan B. Schaffnit, Mark Urassa and David W. Lawson, "'Child Marriage' in Context: Exploring Local Attitudes towards Early Marriage in Rural Tanzania', *Sexual and Reproductive Health Matters* 27, no. 1 (2019): 93–105.
 9. See Bunting, 'Stages of Development'; and Horii, 'Blind Spot'.
 10. Eurostat, 'Archive: Marriages and births in Spain', [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Marriages_and_births_in_Spain&oldid=252323#:~:text=The%20average%20age%20at%20first,from%2025.2%20to%2033.2%20years;and,Eurostat,'Fewer%20Marriages',data%20available%20through%20the%20interactive%20graph%20at%20https://www.ine.es/prodyser/demografia_Ue/bloc-4a.html?lang=en#:~:text=The%20share%20of%20births%20outside,27.2%20%25%20to%2052.4%20%25\)%2C%20and.](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Marriages_and_births_in_Spain&oldid=252323#:~:text=The%20average%20age%20at%20first,from%2025.2%20to%2033.2%20years;and,Eurostat,'Fewer%20Marriages',data%20available%20through%20the%20interactive%20graph%20at%20https://www.ine.es/prodyser/demografia_Ue/bloc-4a.html?lang=en#:~:text=The%20share%20of%20births%20outside,27.2%20%25%20to%2052.4%20%25)%2C%20and.)
 11. Ibid.
 12. María R. Sahuquillo, 'Sube de 14 años la edad para casarse', *El País*, October 31, 2013, https://elpais.com/sociedad/2013/10/31/actualidad/1383255564_697696.html.
 13. For the United States, a similar framework is employed by Amber Nicole Lusvardi, 'The End of the Child Bride: Social Movements and State Policymaking on Underage Marriage' (PhD diss., Purdue University, 2022).
 14. Ibid.
 15. PRISA. 'El País', <https://www.prisa.com/en/info/el-pais-1>.
 16. Michelle Scobie and Afiya France, 'Child Marriage, Human Rights and International Norms: The Case of Legislative Reform in Trinidad and Tobago', *Third World Quarterly* 41, no. 10 (2020): 1687–706.
 17. Karisa Cloward, 'False Commitments: Local Misrepresentation and the International Norms Against Female Genital Mutilation and Early Marriage', *International Organization* 68, no. 3 (2014): 499.
 18. Lea Mwambene and Obdiah Mawodza, 'Children's Rights Standards and Child Marriage in Malawi', *African Studies Quarterly* 17, no. 3 (2017): 21–43.
 19. Irem Ebetürk, 'Global Diffusion of Laws: The Case of Minimum Marriage Legislation, 1965–2015', *European Journal of Cultural and Political Sociology* 8, no. 3 (2021): 294–328.
 20. Neil A. Englehart and Melissa K. Miller, 'The CEDAW Effect: International Law's Impact on Women's Rights', *Journal of Human Rights* 13, no. 1 (2014): 22–47.
 21. 'Critical actors' or 'policy entrepreneurs' are similar to 'norm entrepreneurs' (see Martha Finnemore and Kathryn Sikkink, 'International Norm Dynamics and Political Change', *International Organization* 52, no. 4 (1998): 887–917) or 'strategic actors' (Ebetürk, 'Global Diffusion of Laws') in that these concepts embrace an actor-centric approach to explain a push for a change in norms and/or policies.
 22. Karen Celis, Sarah Childs, Johanna Kantola and Mona Lena Krook, 'Rethinking Women's Substantive Representation', *Representation* 44, no. 2 (2008): 99–110.
 23. Sarah Childs and Mona Lena Krook, 'Analysing Women's Substantive Representation: From Critical Mass to Critical Actors', *Government and Opposition* 44, no. 2 (2009): 137; *ibid* 127.
 24. Ibid., 139.
 25. Carolina Castilla, 'Political Role Models and Child Marriage in India', *Review of Development Economics* 22, no. 4 (2018): 1409–31.
 26. Cloward, 'False Commitments'; Mala Htun and S. Laurel Weldon, *The Logics of Gender Justice: State Action on Women's Rights Around the World* (New York: Cambridge University Press, 2018); Ragnhild Louise Muriaas, Liv Tønnessen, and Vibeke Wang, 'Counter-Mobilization against Child Marriage Reform in Africa', *Political Studies* 66, no. 4 (2017): 851–68; Scobie and Francis, 'Child Marriage, Human Rights'.

27. Alissa Koski and Shelley Clark, 'Child Marriage in Canada', *Population and Development Review* 47, no. 1 (2021): 57.
28. For example, Olga Avdeyeva, 'States Compliance with International Requirements: Gender Equality in EU Enlargement Countries', *Political Research Quarterly* 63, no. 1 (2010): 203–17, finds that the proportion of female members of parliament is positively correlated with gender equality legislation. The literature on the effects of women's political representation gender policies is large and nuanced and will not be fully explored in more detail here.
29. Ebetürk, 'Global Diffusion of Laws'.
30. Bonnie N. Field, 'Ministers, Gender and Political Appointments', *Government and Opposition* 56, no. 4 (2020): 6.
31. E.g. *El País*, 'El Gobierno ve razonable elevar de los 14 a los 16 años la edad mínima de casarse', February 2, 2011, https://elpais.com/sociedad/2011/02/02/actualidad/1296601202_850215.html; Sergio Lillo, 'La ley prohíbe desde hoy casarse a los menores de 16 años', *El País*, July 23, 2015, https://elpais.com/politica/2015/07/22/actualidad/1437579678_542369.html; Carmen Morán Breña, 'Catorce no es edad para casarse', *El País*, February 3, 2011, https://elpais.com/diario/2011/02/03/sociedad/1296687601_850215.html.
32. Author interview, March 22, 2022. All interview respondents were offered confidentiality and will not be identified whenever referred to in this article.
33. Author interview, December 22, 2021.
34. Mala Htun and S. Laurel Weldon, *The Logics of Gender Justice: State Action on Women's Rights around the World* (New York: Cambridge University Press, 2018).
35. Antonia Sommerfeld, 'Völkerrechtliche Anforderungen an die Frühehe', in *Die Frühehe im Recht*, ed. Nadjma Yassari and Ralf Michaels (Tübingen: Mohr Siebeck, 2021), 104–36.
36. Numerous publications provide detailed lists of international conventions, treaties, protocols, declarations, etc. (see, e.g. Gaffney-Rhys, 'International Law'; Horii, 'Blind Spot'; Anne Wijffelman, 'Child Marriage and Family Reunification: An Analysis under the European Convention on Human Rights of the Dutch Forced Marriage Prevention Act', *Netherlands Quarterly of Human Rights* 35, no. 2 (2017): 104–21; the UN General Assembly, Human Rights Council, 'Preventing and Eliminating Child, Early and Forced Marriage. Report of the Office of the United Nations High Commissioner for Human Rights', April 2, 2014, provides a comprehensive and detailed overview of the international legal framework.
37. UN (United Nations), *Universal Declaration of Human Rights* (1948).
38. UN (United Nations), *Convention on the Rights of the Child* (1989).
39. UN HROHC (Human Rights Office of the High Commissioner), 'Child and Forced Marriage'.
40. Gaffney-Rhys, 'International Law', 364.
41. UN General Assembly, CEDAW (Convention on the Elimination of All Forms of Discrimination against Women), 1979; see also Pallavi Gupta, 'Child Marriage and the Law: Contemporary Concerns', *Economic and Political Weekly* 47, no. 43 (October 27, 2012): 49–55.
42. See Wijffelman, 'Child Marriage and Family Reunification', 108–9.
43. FRA (European Union Agency for Fundamental Rights), *Addressing Forced Marriage in the EU: Legal Provisions and Promising Practices* (Luxembourg: Publications Office of the European Union, 2014), 9, https://fra.europa.eu/sites/default/files/fra-2014-forced-marriage-eu_en.pdf.pdf.
44. International norms frequently do not become new legal standards in member countries and are routinely not enforced. However, in 2018, in Spain, a woman sued because she claimed that her daughter was killed due to the Spanish state's non-compliance with CEDAW. The Spanish courts dismissed her case; the women then submitted a complaint to the CEDAW committee, which ruled that the Spanish state had indeed 'failed to act with due diligence in a particularly tragic case of gender-based violence', amounting to 'discrimination and the violation of ... human rights'. The woman subsequently appealed the courts' decisions and the Spanish Supreme Court then ruled in her favor, arguing that international treaties 'form part of the internal legal order' and that 'complying with Treaty Body

- decisions is a matter of Rule of Law'. Koldo Casla, 'Supreme Court of Spain: UN Treaty Body Individual Decisions are Legally Binding', *EJIL Talk: Blog of the European Journal of International Law* (August 1, 2018).
45. Gaffney-Rhys, 'International Law', 359.
 46. E.g. Olga Avdeyeva, 'When Do States Comply with International Treaties? Policies on Violence against Women in Post-Communist Countries', *International Studies Quarterly* 51, no. 4 (2007): 877–900; Ebetürk, 'Global Diffusion of Laws'; Finnemore and Sikkink, 'International Norm Dynamics'; Brian Greenhill, 'The Company You Keep: International Socialization and the Diffusion of Human Rights Norms', *International Studies Quarterly* 54, no. 1 (2010): 127–45; Scobie and France, 'Child Marriage, Human Rights'.
 47. CRC (United Nations Convention on the Rights of the Child. Committee on the Rights of the Child), 'Concluding Observations of the Committee on the Rights of the Child: Spain', CRC/C/15/Add.28 (1994).
 48. CRC (United Nations Convention on the Rights of the Child. Committee on the Rights of the Child), 'Concluding Observations of the Committee on the Rights of the Child: Spain'. CRC/C/15/Add.185, (2002), p.5, 2.23/24.
 49. CRC (United Nations Convention on the Rights of the Child. Committee on the Rights of the Child), 'Consideration of reports submitted by states parties under article 44 of the Convention. Concluding Observations: Spain', CRC/C/ESP/CO/3-4, (2010), 5.
 50. CRC (United Nations Convention on the Rights of the Child. Committee on the Rights of the Child), 'Concluding Observations on the Combined Fifth and Sixth Periodic Reports of Spain', CRC/C/ESP/CO/5-6 (2018).
 51. Author interview, March 22, 2022.
 52. FRA, 'Addressing Forced Marriage', 17–8.
 53. Author interview, December 22, 2021.
 54. Author interview, March 22, 2022.
 55. For example, Rebecca Carranco and Jesús García Bueno, 'Boda forzosa, mejor prohibida', *El País*, March 29, 2011, https://elpais.com/diario/2011/03/29/sociedad/1301349601_850215.html#rel=listaapoyo; *El País*, 'El Gobierno va razonable'; Sergio Lillo, 'Los menores de 16 años ya no podrán casarse en España', *El País*, July 22, 2015, https://elpais.com/politica/2015/07/15/actualidad/1436947148_829261.html#rel=listaapoyo; Morán Breña, 'Catorce no es edad'; Sahuquillo, 'Sube de 14 años'; María R. Sahuquillo, 'Mato propone elevar la edad de consentimiento sexual de 13 a 16 años', *El País*, May 29, 2013, https://elpais.com/sociedad/2013/05/29/actualidad/1369839124_095829.html; María R. Sahuquillo, 'El Gobierno elevará la edad mínima para casarse de 14 a 16 años', *El País*, April 5, 2013, https://elpais.com/sociedad/2013/04/05/actualidad/1365148818_690132.html.
 56. See Htun and Weldon, *Logics of Gender Justice*, 68.
 57. Greenhill, 'Company You Keep'.
 58. The Council of Europe is not an institution of the European Union. It was set up in 1949 as Europe's leading human rights organization and has 47 member states, including all 27 EU countries. All members have signed the European Convention on Human Rights to protect human rights, democracy, and the rule of law. See 'The Council of Europe in Brief', <https://www.coe.int/en/web/about-us/who-we-are>.
 59. Council of Europe, 'Forced Marriages and Child Marriages', Parliamentary Assembly, Resolution 1468 (2005), <http://assembly.coe.int/nw/xml/xref/xref-xml2html-en.asp?fileid=17380&lang=en>.
 60. Author interview, March 22, 2022.
 61. Author interview, March 22, 2022.
 62. Stephen Burgen, 'Spain Raises Age of Consent from 13 to 16', *The Guardian*, September 4, 2013, <https://www.theguardian.com/world/2013/sep/04/spain-raises-age-of-consent#:~:text=Spain%20is%20to%20raise%20the,come%20into%20force%20this%20month>.
 63. *El País*, 'El Gobierno ve razonable'.

64. Erving Goffman, *Frame Analysis: An Essay on the Organization of Experience* (New York: Harper & Row, 1974), 21.
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Appendix

Articles on Child Marriage in El País, Jan. 1, 2005–Dec. 31, 2020

Protocol for Search Terms:

- Searched key terms in *El País* article search engine.
- Searched same key terms in general Google search.
- Searched same key terms in Google news (tools -> recent -> custom range): filtered from 1/1/2005 to 12/31/2020.

In addition, most articles listed hyperlinks to similar articles, all of which were considered for inclusion and added if they addressed child marriage during this time period.

Search terms: niños casarse, matrimonio infantil, bodas niñas, casarse niñas, matrimonio infantil España, ley de jurisdicción voluntaria, ley de jurisdicción, ley de jurisdicción matrimonio, matrimonio juvenil; boda de niñas; niñas se casan; edad mínima para casarse; edad mínima de casarse; matrimonios infantiles; edad mínima para el matrimonio; menores casarse/se casaron

El País – Spanish Edition (electronic) elpais.com

| Year | Spain | Other countries with mention of Spain | Other Countries |
|--------------|-----------|---------------------------------------|-----------------|
| 2005 | | 1 | |
| 2006 | | | |
| 2007 | | | |
| 2008 | | | |
| 2009 | | | 1 |
| 2010 | 1 | | |
| 2011 | 3 | | |
| 2012 | | | 1 |
| 2013 | 3 | 1 | 3 |
| 2014 | | | 3 |
| 2015 | 2 | | 1 |
| 2016 | | | 2 |
| 2017 | | | 4 |
| 2018 | 2 | | 6 |
| 2019 | | | 8 |
| 2020 | | | 3 |
| Total | 11 | 2 | 32 |

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