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# CHILD PROTECTION AND THE FIGHT AGAINST CHILD MARRIAGE IN PORTUGUESE LAW

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In 2025, Portuguese law came into force prohibiting the marriage of minors and recognising that child, early or forced marriage can pose a danger to children and young people, as it can affect their physical, social and educational development. At the international level, we have seen explicit condemnation of early marriage by the UN and also by the Convention on the Rights of the Child (CRC), as it is a practice that often violates children's rights.

This article aims to analyse Law 39/2025 of 1 April, both in relation to the prohibition of marriage involving minors and with regard to the potential strengthening of protection for children and adolescents against child, early and forced marriage. The aim is to determine whether the absolute prohibition of marriage involving minors is an effective measure for protecting the fundamental rights of children and adolescents. And whether, and in what way, the protection of children is strengthened, ensuring that marriage is a free and informed choice made only in adulthood.

To achieve these objectives, the legal provisions relating to legal capacity to marry, emancipation, and the effects of marriage were analysed, as well as the strengthening of the legal framework to criminalise certain behaviours, such as coercion in marriage, psychological or physical violence, and the abuse of parental authority, in addition to holding parents or third parties accountable, amongst other matters, by aligning the Civil Code with the Law on the Protection of Children and Young People, the Criminal Code, and international laws.

The methodology is both qualitative and quantitative, based on statistical data and drawing on academic literature, legislation, case law and relevant national and international conventions. In Portugal, for data protection reasons, there is no public register containing information on marriages involving minors, except for legal or statistical purposes. The data were obtained from the Institute of Registries and Notaries (IRN), the public authority responsible for civil registration in Portugal. The dataset comprises registered 705 marriages involving young people aged between 16 and 17 years, from January 2023 and March 2025. This study employed a descriptive statistical analysis based on administrative civil registration records provided by the IRN. The statistical data provided grounds for the ban, particularly given that child marriage is linked to social vulnerability, poverty, domestic violence, school dropout rates, and physical and mental health problems.

The findings suggest that childhood and adolescence should be periods devoted to growth, learning and preparation for adult life; young people should therefore be given the time to complete their education and develop the independence to make informed decisions about their lives and their future. It can be concluded that the legal ban reflects a greater concern for human rights and the protection of children, promoting the protection of autonomy, personal development and access to education. As for combating forced marriage, although it prevents situations of coercion, abuse or family pressure, its effectiveness depends on the existence of complementary mechanisms for prevention and social intervention, as well as active social and educational policies, which cannot always be guaranteed.

**Keywords:** Hild protection, Child marriage in Portuguese law, Civil consequences, Criminal consequences, Human rights.

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