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Child Marriage in Humanitarian Settings in the Arab Region

Dynamics, Challenges and Policy Options



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**Child Marriage in Humanitarian Settings in the Arab Region:
Dynamics, Challenges and Policy Options**



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Ms. Atallah, the lead author, prepared the study drawing on three extensive background papers, prepared by Ms. Julianne Dietch, ECW; Ms. Nadya Khalife, ESCWA Consultant; and Ms. Jennifer Olmsted, ESCWA Consultant and Professor at Drew University. Ms. Maha Shuayb, ESCWA Consultant and Director of the Centre for Lebanese Studies, conducted field research in support of the study and its findings, as reflected particularly in Chapter four. Ms. Lisa Majaj, Gender Expert and ESCWA Consultant, provided meticulous critical review of the study in its initial drafts, made revisions and restructuring, and co-edited the final draft to bring to its present version. Ms. Jade Lansing provided valuable research and logistical assistance.

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Chapter One: **Child Marriage in Humanitarian Settings – An Introduction**

(A) Background and Context:

The ongoing displacement crisis in the Arab region has uprooted millions of people, dispersing them across the region under the precarious status of Internally Displaced Persons (IDPs),¹ refugees,² or asylum seekers. Available figures indicate that as many as 9 million Syrians have been displaced since the outbreak of civil war in March 2011,³ 75 per cent of whom are women⁴ and children who live in a state of increasing vulnerability.⁵ Another half a million people have fled due to the conflict in Libya in recent years, one million Iraqis are internally displaced, and 580,000 Somali refugees are awaiting asylum status in neighboring countries.⁶ While sexual violence, food insecurity, and lack of access to adequate health services have been identified as the most pressing areas of concern among female displaced populations, child marriage has been highlighted as an increasingly alarming problem,⁷ one necessitating serious consideration for policy, programmatic, and assistance purposes. Although definitive reliable figures are not readily available regarding the extent of child marriage among refugees in the Arab region, preliminary data indicate that rates are quite high. Among Syrian refugees the issue is a matter of growing concern, with over 50 per cent of Syrian girls in Jordanian refugee camps reporting marriage before age 18.⁸ In Yemen and Sudan, one in three girls report marriage before age 18.⁹ In Somalia, 8 per cent of girls are married before the age of 15, and 45 per cent are married before the age of 18.¹⁰

Child marriage is not confined to times of conflict, and is surely not practiced only among displaced families. However, political unrest and widespread insecurity not only pose specific threats to children's overall safety and to their educational, economic, and human rights, but also threaten their right to postpone marriage until adulthood. There are indications that

¹ The Internal Displacement Monitoring Centre estimates the number of IDPs in the Middle East and North Africa region to be at least 9.1 million by the end of 2013. For more details see <http://www.internal-displacement.org/middle-east/summary/>

² According to the UNHCR, "Persons recognized as refugees under the 1951 UN Convention/1967 Protocol, the 1969 OAU Convention, in accordance with the UNHCR Statute, [are] persons granted a complementary form of protection and those granted temporary protection." UNHCR defines "the category of people in a refugee-like situation" to include those "who are outside their country of origin and who face protection risks similar to those of refugees, but for whom refugee status has, for practical or other reasons, not been ascertained." See <http://www.unhcr.org/pages/49c3646c2.html>

³ UNHCR estimates that of these 9 million Syrians, over 2.5 million have taken refuge in neighboring countries and 6.5 million are internally displaced within Syria itself. For the most up-to-date figures on Syrian refugees, see UNHCR Syria Crisis <http://data.unhcr.org/syrianrefugees/regional.php>

⁴ UNHCR figures on registered Syrian refugees in Lebanon in 2011, allocated by Mohafaza, show that in the North, 77% of refugees are women and children and 23% are men; in the Bekaa, 82% are women and children and 18% are men; while in Beirut the percentage of women and children decreases to 54% and the percentage of men increases to 46%. (Cited in Nawfal, Hala, *Syrian Refugees in Lebanon: The Humanitarian Approach under Political Divisions*, Migration Policy Centre, Research Report 2012-2013, Robert Schuman Centre for Advanced Studies, European University Institute. Available from:

http://cadmus.eui.eu/bitstream/handle/1814/24835/MPC_RR201213.pdf?sequence=1&isAllowed=y

⁵ ESCWA (2013). "Female Refugees from Syria in Iraq, Jordan, and Lebanon." Situation Analysis. http://www.escwa.un.org/divisions/div_editor/Download.asp?table_name=ecw_other&field_name=id&FileID=397

⁶ See <http://www.refworld.org/> for an update on numbers of refugees and asylum seekers from the Arab region.

⁷ UNFPA (2013). "Child Marriage." at: <http://esaro.unfpa.org/public/lang/en/pid/12340>

⁸ UNWOMEN (2013). "Gender-Based Violence and Child Protection among Syrian Refugees in Jordan, with a Focus on Early Marriage." Amman, Jordan, July.

<http://www.unwomen.org/~media/Headquarters/Attachments/Sections/Library/Publications/2013/7/Report-web%20pdf>, p. 30

⁹ UNICEF (2010). *Progress For Children: Achieving the MDGs with Equity*. UNICEF.

¹⁰ UNICEF (2012b). *State of the World's Children*. New York: UNICEF www.unicef.org/sowc2012/

displaced people in the Arab region, as elsewhere in the world, use child marriage as a survival strategy in the face of war and insecurity.¹¹ In circumstances of conflict and uncertainty, parents or guardians—especially those who are poor and displaced, and therefore in an accentuated state of financial and physical vulnerability—may feel compelled to marry their daughters off at a very young age in order to provide them with the shelter and economic security they cannot themselves provide, while at the same time relieving themselves of the pressure of another mouth to feed and “another honor” to protect. For instance, research shows that during the first and second Palestinian Intifadas the age of marriage and childbearing among Palestinian women dropped considerably.¹² Studies note similar trends in Iraq as a result of the 2003 war.¹³ In countries such as Syria, Libya, Yemen, Egypt, Somalia, and Sudan, poverty exacerbated by violence has created a fertile environment for an increase in child marriage, with reports of many young girls forced into marriage because their families were in desperate need of money.¹⁴ Some accounts suggest that large families may see in their teenage daughters a solution to their own economic problems and a means of escaping refugee camps. Preliminary evidence further indicates that parents may resort to child marriage, usually to an older male relative, to safeguard a daughter’s sexuality or hide the fact that she has been raped.¹⁵

Child marriage is recognized under international human rights law as a grave violation of the human rights of the girl-child.¹⁶ Although both boys and girls are married as children, the practice disproportionately affects girls. Not only do girls make up the vast majority of those married as children; they suffer far more significant consequences, particularly in terms of reproductive health and rights.¹⁷ International instruments make it clear that marriage as children violates girls’ right to equality and non-discrimination, and not to be separated from their parents. It undermines girls’ rights to education, decreases their economic opportunities, and limits their right to live their lives to their fullest potential. Child marriage violates their right to choose a spouse and to marry based on full and free consent. It violates the right of girls to health, including physical, reproductive, and psychological health, and their right to access information necessary to safeguard their health and the health of their families. It increases girls’ risk of being subjected to violence and exploitation, including domestic and sexual violence. Finally, child marriage violates the right of girls to express their views regarding decisions that will shape the entire course of their lives.

The issue of child marriage has received increasing attention over the years, and has been the subject of numerous studies and reports. Many of these studies address the problem of child marriage in an international human rights framework, highlighting the grave economic, health, social, and psychological consequences that result when girls are forced to marry too young. The majority of this literature, however, is based on country-level research, mostly in sub-Saharan Africa and South Asia, where rates of child marriage are the highest. In the case

¹¹ IRC Commission on Syrian Refugees (2013). “Syria: A Regional Crisis.” The IRC Commission on Syrian Refugees, January, p. 7.

http://www.rescue.org/sites/default/files/resource-file/IRC_Report_MidEast_20130114_b.pdf

¹² Khawaja, Marwan (2000). “The recent rise in Palestinian fertility: permanent or transient?” *Population Studies* 54, pp. 331-346.

¹³ Cetorelli, Valeria, “The Effect on Fertility of the 2003-2011 War in Iraq.” *Population and Development Review* 40(4): 581-604 (December 2014).

¹⁴ Abdul-Hamid, Yara 2011.

¹⁵ Cetorelli 2014.

¹⁶ This has been acknowledged by numerous international human rights organizations. See, for example: Human Rights Watch (2013). “Q & A: Child Marriage and Violations of Girls’ Rights.” 14 June, available at:

<http://www.hrw.org/news/2013/06/14/q-child-marriage-and-violations-girls-rights#3>; Girls Not Brides (2014). “What Is the Impact of Child Marriage: Human Rights and Justice.” Available at:

<http://www.girlsnotbrides.org/themes/human-rights-and-justice/>; UNFPA (2012). *Marrying Too Young: End Child Marriage*. p. 6. Available at: <http://unfpa.org/endchildmarriage>.

¹⁷ As recent reports confirm (UNICEF 2014a), rates of child marriage for boys are very low: for example, in Jordan, child marriage rates for boys are less than 1%.

of the Arab region, many organizations¹⁸ have undertaken country-level analyses on child marriage, with recent studies focusing on humanitarian settings and conflict-ridden countries. However, comprehensive, in-depth regional accounts of the legal, socio-cultural, and practical dynamics of child marriage across Arab States are still rare. Furthermore, most available reports address the issue for programmatic purposes and on an ad-hoc emergency basis, particularly in the context of crisis and displacement. As such, there is a need for a thorough qualitative, comprehensive, informant-based analysis with long-term policy implications that covers the Arab countries from a regional perspective. This study attempts to fill this gap, both by shedding light on the structural and contextual conditions that allow for the occurrence of child marriage in the region in times of ‘peace’ as well as in the context of humanitarian crises, and by exploring the consequences of child marriage for girls in both conflict and post-conflict settings.

(B) Objectives of Study:

Given the multi-layered contexts within which child marriage occurs, and the extensive ramifications of child marriage for the welfare of girls, the study seeks three main objectives: (1) to examine the root structural causes of child marriage in the Arab region, including the national, social, institutional, legal, and cultural frameworks that facilitate the perpetuation of child marriage; (2) to analyze the factors that drive child marriage in humanitarian and conflict settings, including physical vulnerabilities, shifts in family relations, gender roles, economic conditions, availability of community support, and demographic profiles; and (3) to investigate the socio-economic and health implications of child marriage for young brides, their children, and their communities, particularly in post-conflict contexts. The study attempts to distinguish between, on the one hand, structural determinants of child marriage that have long been present in many Arab countries, such as embedded gender imbalances and institutionalized inequalities, and, on the other hand, contextual determinants of child marriage that result from situations of displacement, conflict, and instability compounded by extreme poverty.

The study also provides recommendations for policy and programmatic interventions aimed at addressing the multi-faceted dimensions of child marriage in the region and its ramifications for the rights of the girl-child. The overall aim is to strengthen the capacities of Arab policymakers and advocacy groups to prevent, protect from, and respond to child marriage as a form of Gender Based Violence (GBV)¹⁹ and as a human rights violation. Ultimately, it is hoped that this initiative will help increase the number of Arab countries adopting and integrating protocols for the prevention of and protection from all discriminatory or harmful practices, including those manifested in child marriage, into their respective policies and programs, in line with the requirements of international instruments.

(C) Research Methodology:

Data for this study was collected from primary and secondary sources through a combination of desk and field research. Desk research consisted of a thorough examination of available literature (both analytical and programmatic reports) on relevant issues, especially those related to child, early, and forced marriage; refugees and humanitarian assistance; girls’ rights; and conflict across the Arab region. Research also included a review of related national laws relevant to marriage and pertaining to refugees in both sending and receiving countries, and corresponding international conventions and agreements on child marriage and the rights of female refugees and IDPs. To this end, the study drew on three detailed

¹⁸ For example, Human Rights Watch, Save the Children, UNFPA, and UNHCR.

¹⁹ Forms of GBV include, but are not limited to, rape, sexual violence, physical violence, domestic violence, intimate partner violence, economic abuse, denial of opportunities and/or resources, psychological or emotional abuse, trafficking, sexual exploitation, harmful traditional practices, early/child marriage, and forced marriage.

background papers prepared by specialized experts that address different aspects of the issues in question. The main findings of these papers have been integrated throughout the study.²⁰

While the desk research and analysis covered all Arab countries (particularly those with significant refugee populations, such as Somalia, Sudan, Syria, Iraq, and Libya), field research²¹ focused specifically on cases of child marriage among Syrian refugees in Lebanon in both urban and rural settings. These in-depth cases support the broader regional analysis with specific investigation of the determinants and implications of child marriage within a large-scale humanitarian setting. The qualitative field research included Focus Group Discussions (FGDs) with Syrian refugees to explore the impact of displacement on both the prevalence of child marriage and community perceptions of the practice. The discussions highlighted the ways in which diverse members of the refugee community understand child marriage, and revealed core perceptions regarding what is acceptable and unacceptable for female children by community standards. Field research also included individual cases of female Syrian refugees married after displacement at ages younger than 18 years. These narratives offer detailed accounts of how conflict influenced the decisions of custodians to arrange the marriage of these girls; the girls' own perception of the circumstances leading to their marriage; and the impact which early marriage has had on their lives. Individual interviews were also conducted with the mothers of girls married under-age, as well as with humanitarian aid workers, a health specialist, and a Sunni clergyman. These informant interviews provided insight into the broader living conditions of Syrian refugees in Lebanon and the possible dynamics related to child marriage generated by the situation of displacement.

Through its in-depth qualitative approach, the study traces both the long-existent institutional and socio-cultural conditions that enable child marriage, and the evolving causes and consequences fuelled by displacement and conflict. The study complements and builds on the findings of other publications under preparation at ESCWA, particularly on violence against women, the situation of girls and women in conflict settings, and the implementation of SCR 1325 (2000) on women, peace, and security in the Arab region. It furthermore renews the focus on the girl child as one of the 12 areas of critical concern highlighted in the Beijing Declaration and its Platform for Action.

(D) Analytical Challenges and Data Limitations of Study

Research on child marriage is hindered by various analytical and data-related challenges. This study is no exception. To begin with, data on this topic in the Arab region are especially limited, posing particular challenges to researchers as they seek to draw conclusions supported by robust and reliable statistics. Data collection on child marriage requires regularly-conducted national censuses and household surveys, such as the Multiple Indicator Cluster Surveys (MICS) and the Demographic and Health Surveys (DHS), both of which may

²⁰ Background papers prepared for this study include the following: (1) N. Khalife (2014), a comprehensive account of legislative and institutional frameworks on child marriage and international humanitarian and refugee laws that protect children in times of crises, providing a thorough examination of personal status laws throughout the Arab region that deal with the minimum age of marriage, consent to marriage, and registration of marriages in official registries, with an analysis of each State party's compliance with international legal standards. (2) J. Olmsted (2015), a compilation of available regional, national, and local data on the prevalence of child marriage in various humanitarian settings in the Arab region, with an in-depth analysis of socio-economic and structural conditions that allow the occurrence of child marriage in such settings, focusing in particular on the causal and consequential relationship between situations of displacement and conflict settings, on the one hand, and child marriage, on the other. (3) J. Dietch (2014), an overview and analysis of the short, medium, and long-term implications of child marriage, with special reference to how humanitarian settings exacerbate immediate and future risks associated with child marriage, particularly in connection with sexual and reproductive health.

²¹ The field research described herein was led by Ms. Maha Shuayb in September 2014, drawing on research tools prepared jointly by the teams of the ESCWA Centre for Women and UNFPA ASRO. An ensuing report on the findings of the field research was submitted by Ms. Shuayb and developed further at ECW for integration into this study, particularly in Chapter 4.

be time consuming and costly. Indeed, since 2000, DHS have only been carried out in six countries in the region.²² In the Arab region MICS have been conducted on a more regular basis; they have been carried out in 13 countries since 2000.²³ However, MICS are limited in the data they can provide on child marriage. While they include indicators such as adolescent birth rates, maternal mortality rates, enrollment in primary school and attitudes of domestic violence, these data are very scarce, especially in the Arab region. Furthermore, the data are not disaggregated by age of marriage, which limit their analytical utility. Other data sources from governments or civil society may be used to supplement missing data, but may not be as reliable or comparable as data collected via international instruments.

The availability of common indicators of child marriage poses another data challenge. Though international legislation clearly defines child marriage as a union in which either or both parties are under the age of 18, measuring the frequency of the practice and its varied impact on the girls and boys subjected to it is a more complex matter. UNICEF (2003), for example, suggested five primary indicators to analyze child marriage in a given context:

- (1) Percentage of women 20 to 49 first married or in union by age 15 and 18, by age group;
- (2) Percentage of girls 15 to 19 years of age currently married or in union;
- (3) Spousal age difference;
- (4) Percentage of women currently in a polygamous union, by age groups; [and]
- (5) Percentage of ever-married women who were directly involved in the choice of their first husband or partner.²⁴

This measurement system takes into account not only how many girls are married under the age of 18, but also generational differences, spousal age differences, and some differences in the nature of marital relationship (such as whether the marriage is polygamous or whether the spouses were involved in the selection of their partner). Given the focus on humanitarian settings in this study, it is vital to take into account not just the incidence of child marriage but also how, when, and why marriages occur involving children. For example, most available reports cite the overall incidence of marriage of children under the age of 18, but as a recent World Bank report argues, “the consequences of child marriage are not the same whether one marries at the age of 12 versus 18.”²⁵ Rather, the costs of child marriage are significantly more severe for younger brides. There is therefore a need for measures of child marriage that address “its depth and severity apart from its incidence, and [that] test for the robustness of child marriage comparisons between groups or over time to the age threshold used to identify child marriage.”²⁶ It is furthermore essential to look at data on the age difference between spouses and other factors that have a significant impact on girls’ living conditions after marriage. By using such measures, policies can be developed that target girls who are most at risk in situations of child marriage, rather than focusing on more easily addressed cases.

Research on conflict settings faces specific additional challenges, including the following: (1) The quantity and quality of data available generally declines during periods of conflict and humanitarian crises, as in displacement contexts where many marriages go unregistered. (2) In contexts where the population becomes dispersed, the process of data collection may be

²² Comoros (2012), Egypt (2000, 2005, 2008, 2014, and 2015), Jordan (2002, 2007, 2012), Mauritania (2000, 2003), Morocco (2003-2004) and Yemen (2013).

²³ Algeria (2000, 2006), Comoros (2000), Djibouti (2006), Iraq (2000, 2006, 2011), Lebanon (2000), Mauritania (2007, 2011), Palestinians in Lebanon (2006, 2011), Libya (2003), Palestine (2010), Somalia (2006, 2011 certain zones of Somalia), Sudan (2000), Syria (2000, 2006), Palestinians in Syria (2006), Tunisia (2006, 2011-12), Yemen (2006).

²⁴ UNICEF (2014). “Child Protection – Notes on the Data.” UNICEF Website. <http://data.unicef.org/child-protection/child-marriage#sthash.7AMYnpeq.dpuf>.

²⁵ Nguyen, Minh Cong and Quentin Wodon (2012). “Measuring child marriage.” *Economics Bulletin* 32:1, p. 399. <http://www.accessecon.com/Pubs/EB/2012/Volume32/EB-12-V32-I1-P36.pdf>

²⁶ Nguyen, Minh Cong and Quentin Wodon (2012). “Measuring child marriage.” *Economics Bulletin* 32:1, p. 398..

particularly difficult. (3) When significant disruption has occurred, abrupt social and economic changes may occur, and even recently collected data may not reflect current trends.

As indicated above, analysis of marital patterns generally involves the use of census or other nationally representative survey data to provide direct estimates of child marriage rates as well as the average age of marriage, which is generally highly correlated with child marriage rates. The singulate mean age of marriage (SMAM), in particular, is a statistic used to examine marriage patterns over time while taking into account that some individuals will never marry. However, to assess the impact of conflict on child marriage rates, it is particularly important that methods be identified that are sensitive to *current* trends, while at the same time taking account the dynamics of marriage patterns. Examining marriage patterns among young cohorts (e.g. 20 to 24 year olds) is preferred. Some studies also provide data for 15 to 19 year olds, but such data may not accurately capture child marriage rates, since on the one hand, 15 year olds who are recorded as unmarried may still marry before turning 18, while on the other hand, including 19 year olds with those below 18 overestimates rates of child marriage. In addition to the need for reliable recent data, past data must also be available, in order to discern the degree to which conflict contributes to changes in child marriage rates.²⁷ Particularly useful are studies that are able to clearly identify how marriage patterns before and after a crisis have changed. However, obtaining such information is not really feasible in the context of long-standing and acute conflicts, in refugee settings, or in the context of failed states, in which it is often not possible to carry out national census or other household data surveys and data collection is not likely to be a government priority. It should also be noted that conflict-ridden countries such as Somalia and Yemen, which are also categorized as among the least developed countries by the UN, have limited financial resources and infrastructure, making data collection difficult under the best of times.

In the absence of recent survey data, court records may provide some insight into marriage trends. However, while such methods can provide estimates of the number of child marriages that have taken place during a particular period in a particular location, as well as providing detailed information about both the husband and the wife, without information about population size it is not possible to measure the actual prevalence of the practice. As an example, a 2014 UNICEF report that makes use of court records to examine changes in marriage patterns in Jordan between 2005 and 2013 is able to identify changes in marriage registration patterns over time. However, as the report itself notes, the estimates provided are not comparable to statistics that use DHS or other statistically representative data sets to report on the percentage of girls married before adulthood.²⁸ To more accurately estimate such numbers, cohort size information is also needed (e.g. how many girls in the population are in their teen years). It is also unclear how representative such small-scale studies carried out in refugee camps may be of the entire population.

If court records are used to determine marriage patterns in conflict settings, it is also important to understand how comparable current data are with respect to previous patterns. One problem with court records is that families may fail to register marriages immediately after they take place. Even in the absence of conflict, this may be a problem in contexts where child marriage is illegal and families are unwilling to disclose to authorities that they have married their daughters before the legal age. More benignly, in some contexts enforcement of laws may be lax, and as a result registration of marriages may be delayed. In Syria, for example, there is evidence that even before the current difficulties, families often delayed

²⁷ The UN defines child marriage as pertaining to girls or boys who are married before the age of 18. See http://www.unicef.org/protection/57929_58008.html. Where possible, data are reported for marriages of girls below the age of 18, but statistical agencies unfortunately do not always report data in this way. For example, some estimates include girls aged 15 to 19. Where possible, data consistent with the UN definition are used here, but given the paucity of data on this topic, other data that are not entirely comparable are also at times drawn upon.

²⁸ UNICEF (2014). "Child Protection – Notes on the Data." UNICEF. <http://data.unicef.org/child-protection/child-marriage#sthash.7AMYnpeq.dpuf>.

registering marriages.²⁹ Similarly, according to Human Rights Watch,³⁰ in Yemen registration of marriages is rare.

Those who are displaced may face particular challenges in terms of registering marriages. For example, among Syrians in Jordan, confusion about the method of registering as well as fear of being found in violation of marriage regulations³¹ have contributed to some marriages not being registered. When using court data, such factors and data limitations need to be considered.

A related challenge concerns drawing on past trends to assess child marriage rates during periods where crises or changes in norms may be driving rates either up or down. A reliance on previous data during a period where the age of marriage is rising will tend to overestimate the prevalence of child marriage, and the opposite is also the case. Nor will a focus on women of all ages, as in a UNICEF study (2010) on Palestinians and a UN Women study on Syria (2013b), accurately reflect current practices. For instance, the 2010 UNICEF study states that “[t]he median age at first marriage stands at 18 years old (for females 15-54). This means that approximately 50 per cent of women married before they turned 18.” While such a statistic provides a snapshot of marital practices among child-bearing women of all ages, and therefore is useful to assess past marriage trends, it will overestimate current child marriage rates in contexts where the average age of marriage has risen over time, which is generally the case.

Consistently collecting representative statistics for dispersed populations is also a major challenge. This data challenge is particularly acute in the Arab region. According to a recent UNHCR report (2014), four of the largest recently-displaced populations globally originate in the Arab world—Syria (#1), Somalia (#3), Sudan (#4) and Iraq (#8).³² In addition to these four recently-displaced refugee groups, the Palestinians, who are not included in these UNHCR statistics, represent one of the largest (39 per cent of all current refugees)³³ and longest standing groups with refugee status. For such long-standing refugees, a data challenge arises concerning how they are handled in the national statistics of the countries hosting them. This is most acute in the case of Palestinians in Jordan, Lebanon, and Syria, where it is not always certain to what degree reported national trends include refugee populations.

Discussing ‘national’ trends in general is, in a number of conflict cases in the region, complicated by the fact that (a) a large percent of the population has fled and as a result holds IDP or refugee status, and (b) trends among refugees and those who do not flee may not be similar. The case of Palestine is illustrative. Because the Palestinian population is scattered across a number of countries (the West Bank and Gaza Strip, Jordan, Syria, Lebanon, and Egypt as well as many other countries), obtaining socio-economic estimates of the entire population has not been possible. Similar problems arise when it comes to Syria, Iraq and other conflict contexts where widespread displacement has taken place. Additional data collection challenges are also found in contexts where country borders have been redefined. This is the case for Sudan and Yemen: due to regional conflict Sudan was divided into Sudan

²⁹ UNICEF (2014). “Child Protection – Notes on the Data.” UNICEF. <http://data.unicef.org/child-protection/child-marriage#sthash.7AMYnpeq.dpuf>.

³⁰ Human Rights Watch (2011). “How Come You Allow Little Girls to Get Married?” *Child Marriage in Yemen*. New, York. P. 22.

³¹ For instance, Jordan imposes a 1000 JD penalty on couples that do not register their marriage in a timely manner. Although that fee has been waived for Syrian refugees, confusion regarding the penalty may still exist, and this may be contributing to Syrians not registering their marriages while in Jordan (UNICEF 2014). http://www.unicef.org/jordan/UNICEFJordan_EarlyMarriageStudy2014-E_COPY_.pdf, p.31.

³² It should be noted that the ranking refers only to refugees who were displaced during the period 2013 to 2014. Earlier studies show much higher rates of displacement among Iraqis.

³³ Estimated for this study using data reported by UNHCR nd.

and South Sudan, making data comparisons across time periods difficult, while in the case of Yemen the country was divided and later reunited.

Given these various data challenges, it is not entirely surprising that estimates of child marriage vary considerably. In particularly challenging cases (e.g. Somalia) the problem is even more serious since very few estimates are available. Where available, statistics compiled by the UN and the World Bank were made use of in this study, in addition to published reports by international organizations, such as Human Rights Watch and Save the Children. While these studies provide vivid and disturbing details concerning some of the worst trends when it comes to child marriage, they often focus on narrow sub-groups and/or rely on interviews with small numbers of individuals, making generalization difficult. All conclusions made in this study therefore are contingent upon and a function of existing available data.

An additional analytical challenge concerns the fact that the *causes* and *consequences* of child marriage are closely interlinked. Many of the predictors of child marriage, such as education and poverty, are also notably affected by child marriage. It is difficult to fully attribute some of the key factors associated with child marriage to the practice alone, as girls who get married under age are often already living in poverty, have dropped out of school, or are at risk of domestic violence. Accordingly, and as child marriage is increasingly concentrated among poor, rural families with low levels of education or illiteracy, causes and consequences become increasingly compounded. The practice of child marriage in humanitarian settings poses a particular set of implications for children, but again, these are difficult to isolate, since the implications of child marriage in humanitarian settings are often a reflection of existing conditions. Many of the effects on children of conflict and displacement are the same as the effects of child marriage, including halted education, separation from family, health risks, increased risk of gender violence, and limited economic opportunities. Therefore, instead of seeking to establish simple causal relationships, the study explores the multi-faceted ways in which existing conditions and limitations faced by girls (and their families) are interlinked with child marriage, and often worsened in humanitarian settings.

(E) Conceptual and Legal Frameworks of the Study:

Addressing child marriage can be challenging because different countries and cultures perceive and consider the abstract concepts of childhood and maturity differently. This is despite the fact that international law sets forth clear definitions of childhood and adulthood. The 1989 Convention on the Rights of the Child (CRC) defines a child as any person below 18 years of age (art. 1). The CRC Committee, the body tasked with monitoring the implementation of this convention, has repeatedly urged State parties, including those in the Arab region, to ensure that their definition of a child in domestic legislation is consistent with that of the CRC.³⁴

Numerous other international instruments and conventions reiterate that 18 is the age of maturity. In its General Recommendation on equality in marriage, the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) of 1994 recommends that minimum age for marriage be set at 18 for both males and females, noting that because marriage bears great responsibilities, it should not be permitted to individuals who have not yet reached full maturity. The Committee also notes the threats early marriage poses to health, education and access to employment (Recommendation No. 21). Article 16(2) of CEDAW explicitly states that the “betrothal and the marriage of a child shall have no legal effect.” This article also calls on State parties to take necessary action, including legislation, to adopt a

³⁴ See, for example, Committee on the Rights of the Child (CRC), Concluding Observations, Bahrain, 17 June 2011 (CRC/C/BHR/CO/2-3); Kuwait, 28 October 2013 (CRC/C/KWT/CO/2); Lebanon, 8 June 2006 (CRC/C/LBN/CO/3); Qatar, 14 October 2009 (CRC/C/QAT/CO/2); Saudi Arabia 17 March 2006 (CRC/C/SAU/CO/2), Sudan, 22 October 2010 (CRC/C/SDN/CO/3-4), Syria, 9 February 2012 (CRC/C/SYR/CO/3-4), and Yemen, 31 January 2024 (CRC/C/YEM/CO/4).

minimum legal age for marriage, and to make compulsory the registration of marriages in an official registry.

On the other hand, the 1962 Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages obliges State parties to set a minimum age for marriage in national legislations, noting that persons who wish to marry, but who are under the legal age to do so, can only marry with the permission of a competent authority (art. 2). The Convention's accompanying non-binding recommendation (Principle II) advises that the minimum age of marriage be no less than 15. Moreover, Principles I (a), II and III of the recommendation call on State parties to ensure the full and free consent of spouses and ensure that all marriages are registered in an official registry by a competent authority. In this context, registration of births and marriages are considered as fundamental to the prevention of child marriage, as they assist in proving the age of a spouse at the time of marriage. The International Covenant on Economic, Social, and Cultural Rights (ICESCR) of 2005 likewise specifies 18 as the legal age for marriage for men and women, and asserts that boys and girls should be equally protected from child marriage (General Comment No 16, art 3).

At the regional level, the Protocol to the African Charter³⁵ on Human and Peoples' Rights of 2005 (commonly referred to as the Maputo Protocol)³⁶ on the Rights of Women of the African Union, particularly stipulates (in article 6a) that no marriage shall take without the free and full consent of both parties, and stresses that the minimum age for marriage shall be 18 years. It also stipulates that every marriage shall be recorded in writing and registered in accordance with national laws to be legally recognized (art. 6(a) (b) (d)). Along the same lines, the African Charter on the Rights and Welfare of the Child (ACRWC)³⁷ specifically addresses child marriage, defining a child as any person under 18 years of age (art. 2). It stipulates that child marriage shall be prohibited through effective legislation that establishes the minimum age of marriage at 18, and makes compulsory the registration of all marriages at an official registry (art. 21 (2)).

Of relevance is also the 2004 Arab Charter on Human Rights of the League of Arab States, which provides that all individuals shall enjoy their human rights without any discrimination based on sex. Although the Charter does not explicitly mention child marriage, it nonetheless provides for the right of men and women to marry with full and free consent, and prohibits all forms of violence against women and children.³⁸

All such instruments,³⁹ including the 1948 Universal Declaration of Human Rights (UDHR), further stipulate that marriage should be entered into only with the free and full consent of intending spouses. The clear health complications caused by childbirth for mothers under 18 years old suggest that marriage under the age of 18 is not only non-consensual but also dangerous for young girls. In its 2008 Concluding Observations on Yemen, the CEDAW Committee particularly also noted that child marriage and early pregnancy, which cause girls to drop out of school, hinder the girl-child's right to education.

³⁵ This Charter was adopted by the African Union (AU), formerly known as the Organization for African Unity, which includes the following Arab member States: Algeria, Djibouti, Egypt, Libya, Somalia, Sudan, and Tunisia.

³⁶ Organization of African Unity, The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol) 2003, art 1 (k). Available from: <http://www.achpr.org/instruments/women-protocol/>

³⁷ Organization for African Unity, African Charter on the Rights and Welfare of the Child (ACRWC) 1990, art 2. Available from <http://www.achpr.org/instruments/child/>.

³⁸ Arab Charter on Human Rights 2004, available at <http://www1.umn.edu/humanrts/instree/loas2005.html>

³⁹ The most relevant instrument, General Assembly Resolution 69/156 of December 2014 on Child, Early, Forced Marriage, reiterates the call for 18 as the legal age for marriage and recognizes child marriage as a grave human rights violation, one which has had negative impact on the implementation of the MDGs and is continuously exacerbated in conflict and humanitarian settings. For more details, see http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/69/156

Another conceptual issue related to this study is the need to distinguish between child marriage, forced marriage, and early marriage, terms that are often used interchangeably. The study uses the term *child marriage* to exclude coerced marriages between adults. Forced marriage includes any union that “takes place without the full and free consent of one or both of the parties.” The lack of consent can be caused by, among other factors, the individual being a minor. But not all forced marriages involve children.⁴⁰ In contrast, child marriage is by definition forced marriage: in the eyes of international law, and as indicated above, all persons under 18 are children, and as such not physically or emotionally developed enough to provide consent; that is, to make an informed decision about marriage and its implications.⁴¹ The term *child marriage* emphasizes that while individuals under 18 may agree to be married, this agreement does not constitute free and full consent: girls, particularly in humanitarian situations, may face pressure from their guardians to marry, or may not see other options for their lives.⁴² Although male children are occasionally the victims of child marriage, girls make up the vast majority of child spouses, and in most cases are wed to men many years their senior. Girls also suffer from other systemic inequalities, such as a historical legacy of exclusion from politics, academia, and the labor force, which makes them particularly vulnerable to the socio-economic and health consequences of child marriage. Accordingly, *for the purposes of this study child marriage is defined as a marital union in which the bride is under the age of 18.*

The conceptual and analytical frameworks of this study are also guided by the tenets of various other international and regional declarations and resolutions promoting girls’ human rights and calling for an end to gender-based discrimination and violence against the girl-child. These include the 1993 Vienna Declaration and Programme of Action, the 1993 Declaration on Violence against Women, the Beijing Declaration and Platform for Action, the Millennium Development Goals, and the International Conference on Population and Development (ICPD). More recent resolutions include the 2011 UN Resolution on the Girl Child and the 2013 UN Resolution on the Intensification of Efforts to Eliminate All Forms of Violence against Women, which highlight the pressing importance of eliminating child marriage and other practices that threaten the health and development of girls.

Together, these instruments define child marriage as a form of gender-based violence, one that not only severely affects the physical and psychological health of the girl-child and but also adversely affects societal development. More specifically, child marriage was identified to negatively affect six out of the eight Millennium Development Goals, including the elimination of poverty, achieving universal education, promoting gender equality, reducing child and maternal mortality rates, and combating sexually transmitted diseases such as HIV/AIDS.⁴³

⁴⁰ International Centre for Missing & Exploited Children (2013). “Child Marriage in the Middle East and North Africa.” White paper, Koons Family Institute on International Law & Policy.

⁴¹ United Nations Children’s Fund (UNICEF) (2001). *Early Marriage Child Spouses*, Innocenti Digest. 7. Florence: UNICEF Innocenti Research Centre. Available from: <http://www.unicef.org/publications/pdf/digest7e.pdf>, p.4. Child marriage is also synonymously referred to as early marriage.

⁴² Ford Foundation (2014). *Ending Child Marriage in a Generation: What Research is Needed?* January, p. 1.

⁴³ United Nations General Assembly (2000), United Nations Millennium Declaration, A/RE/55/2. See also http://www.unicef.org/media/media_68114.html

Finally, the analysis in this study in regard to child marriage specifically in humanitarian and conflict settings is framed within the parameters of various General Assembly mandates and agreements calling for the protection of women and children in conflict situations, including protection from trafficking and child marriage. These include CEDAW, the Geneva Convention and Additional Protocol, the Refugee Convention of 1951, the Convention on the Rights of the Child and Optional Protocol on the Involvement of Children in Armed Conflict, the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, Security Council Resolution 1325 (2000) on Women, Peace and Security, and other subsequent relevant SCRs. Concern over the safety and wellbeing of women and girls as primary victims of armed conflict is also reflected in international instruments⁴⁴ such as the Beijing Declaration and its Platform for Action,⁴⁵ as well as the Programme of Action (PoA) of the ICPD. The ICPD PoA makes explicit reference to the increasing vulnerability of women and children in conflict and humanitarian settings, and specifies the need to offer special protections and support to female refugees.⁴⁶ The same principles are also reflected in the 2004 Arab Charter on Human Rights of the League of Arab States that prohibits trafficking in persons and the exploitation of children in times of war (art. 10).

(F) Study Outline:

The study is composed of six chapters starting with the present one, which details the objectives and rationale of the study, its conceptual and legal frameworks, its research methodology, its analytical and data limitations, and its overall outline. Chapter 2 is divided into two parts. The first part discusses (to the extent permitted by available data) the overall prevalence of child marriage in the Arab region, situating the practice within national and regional socio-economic, political, and legal contexts. The second part provides an assessment of the ratification status in the Arab countries of international instruments relevant to child marriage, and the congruence of their national laws with both obligatory and non-binding international law. The chapter concludes with a brief overview of existing policies and governmental institutions available in the region to address the problem of child marriage.

Chapter 3 focuses specifically on the problem of child marriage in humanitarian settings in the Arab region. Drawing on available studies and reports, it addresses the seriousness of the problem in times of conflict, indications of the occurrence of child marriage in situations of conflict and humanitarian crises as per available data (particularly in countries such as Palestine, Somalia, Sudan, Syria, and Yemen), and the overall socio-economic dynamics that fuel child marriage among Arab refugees. The analysis tries to differentiate between contextual elements specific to humanitarian settings and deeply rooted socio-cultural elements that contribute to this problem.

⁴⁴ While the Millennium Development Goals (MDGs) mainly represent a developmental agenda/template associated with the formulation of long-term policies in contexts of stability, there have been discussions of the need to also articulate the essence of the MDGs in international humanitarian agendas geared towards the protection and rights of people facing insecurity and threats of violence (for an example of such discussions calling to frame humanitarian work within the MDG, please see Darcy 2008). In this connection, it is to note that the elimination of all harmful practices, such as child, early and forced marriage and female genital mutilation, is among the targets of Goal 5 of the newly formulated Sustainable Development Goals: Achieve gender equality and empower all women and girls. Such focus (to be operationalised in the new development agenda) establishes clear linkages between child marriage, gender equality, and subsequently achieving sustainable development.

⁴⁵ See specifically the section on “Women and Armed Conflict,” pp. 55-65, and the ensuing strategic objectives and required actions in this part of the Beijing Declaration and PFA. <http://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>

⁴⁶ Chapters 10 and 11 of the PoA. On Women in Humanitarian Settings in ICPD and ICPD: Beyond 2014. <http://icpdbeyond2014.org/>

Chapter 4 presents the findings of a qualitative case study on the causes of, attitudes toward, and consequences of child marriage among Syrian refugees in Lebanon. Drawing on field research conducted within the refugee community in Lebanon during September 2014, it explores the drivers of child marriage in humanitarian settings, including the benefits, both real and perceived, that families take into consideration as they push their young girls into marriage. Chapter 5 addresses the immediate and long-term effects of child marriage in the Arab region on child brides, on their families, and on their country's national development, particularly the socio-economic and health implications of this practice in contexts of conflict and post-conflict. Chapter 6 concludes the study with a recap of the main findings and offers future directions and proposals to be considered at legal, institutional, and programmatic levels by various stakeholders in the Arab region, especially by policy makers seeking to address national shortcomings regarding the prevention of child marriage overall and in humanitarian settings.

Chapter 2:

Child Marriage in the Arab Region – Prevalence, Contexts, and Structural Roots

This chapter examines (1) the prevalence of child marriage in the Arab region in overall national and regional socio-economic and cultural contexts, and, (2) the congruence of national personal status laws and relevant legislations in Arab states with international instruments concerned with child marriage; it also provides a brief overview of various initiatives addressing the problem of child marriage. The chapter does not aim to present a full account of the magnitude of this problem in each of the Arab countries (given the data challenges discussed in Chapter 1 this is, in any case, not feasible.) Nor does it attempt to provide an overview of every legal system in the region and related programs and institutions. This chapter's main aim, rather, is to provide an overall understanding of the extent of the problem of child marriage in the region, and of the legal and institutional gaps that allow its occurrence.

A. Prevalence of Child Marriage in the Arab Region:

Thousands of girls in the Arab region are married well before their eighteenth birthdays, and many more are at a significant risk of this practice.⁴⁷ Indeed, one estimate indicates that one in seven girls in the Arab region is married as a child,⁴⁸ with the highest rates of child marriage in the least developed countries (as indicated in Table 1).

Table 1: Child marriage in selected Arab countries	
Country	Women aged 20-24 married before age 18 (2000 2011) ⁴⁹
Somalia	45 %
Mauritania	35 %

⁴⁷ UNFPA, (2012). *Marrying Too Young End Child Marriage* Available at: <https://www.unfpa.org/sites/default/files/pub-pdf/MarryingTooYoung.pdf>

⁴⁸ Roudi-Fahimi, F., Ibrahim, Shaimaa (2013). *Ending Child Marriage in the Arab World*. Population Reference Bureau Policy Brief. Available from: <http://www.prb.org/pdf13/child-marriage-arab-region.pdf>, p.1.

⁴⁹ UNFPA (2012).). *Marrying too young: End Child Marriage*, New York. p. 23 Available at <http://www.unfpa.org/sites/default/files/pub-pdf/MarryingTooYoung.pdf>

Sudan	34 %
Yemen	32 %

Other regional figures indicate that efforts invested in different Arab countries to address the problem of child marriage have in fact resulted in a decrease in overall regional rates, from 35 per cent in 1985 to less than 20 per cent more recently. (See Table 3 for details of changes in overall average age of first marriage (SMAM) in the region, and in percentage of married girls under 18.) While these rates, along with the figures indicated below, may not be always consistent or exact, they do nevertheless give a fair indication of the persistence of this problem and its overall prevalence.

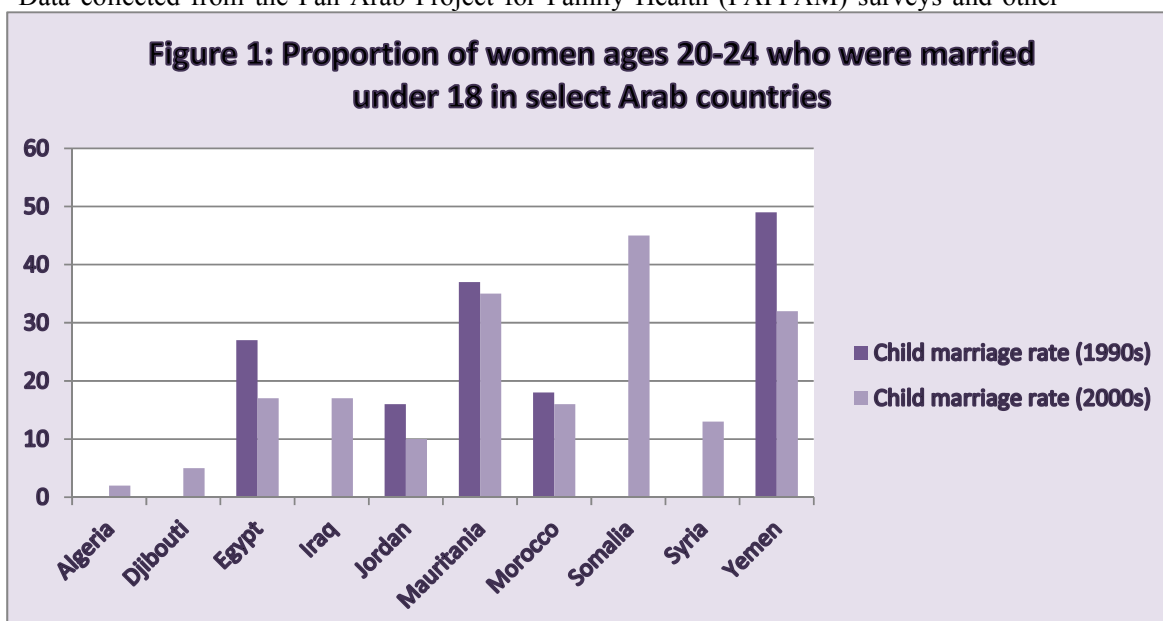
Table 2 - Percent of Women (age 20 -24) first married by 18⁵⁰					
Country Name	1997	2006	2010		
Algeria	..	1.8	..		
Iraq	..	17	24.3		
Jordan	13.5	11.1	8.4		
Lebanon	..	..	6.1
Libya	..	..	..
Somalia	..	45.3	..		
Sudan	26.9	34	32.9		
Syrian Arab Republic	..	13.3	..		
West Bank and Gaza	..	18.9	21		
Yemen, Rep.	48.4	32.3	32.3		
Table 3 - SMAM over time in select Arab countries					
Country Name	1977	1987	1997	2004	2007
Algeria	21	23.7	25.9	..	29.5
Iraq	20.8	22.3	24	25.3	22.8
Jordan	21.5	..	25.3	25.4	24.7
Lebanon	23.2	..	27.9	27.4	28.3
Libya	31.2

⁵⁰ Source of table 2 and table 3: <http://genderstats.org/>
http://databank.worldbank.org/data/views/variableSelection/selectvariables.aspx?source=gender-statistics#c_s

Palestine	21.9	..	20.7	22.4	24.2
Somalia	..	..	..	..	..
Sudan	18.7	20.7	22.7	..	22.2
Syrian Arab Republic	20.7	21.5	..	25.4	..
Yemen, Rep.	..	..	20.7	..	22.2

.. Not Available

Data collected from the Pan Arab Project for Family Health (PAPFAM) surveys and other



national data from the Arab region show that the percentages of women between the ages of 20 and 24 married before their 18th birthday are highest in Somalia (52 per cent), Mauritania (35 per cent), Sudan (33 per cent), Yemen (32 per cent), Iraq (25 per cent), and Palestine (19

Source: ICPD Beyond 2014 (UNFPA, 2012).

per cent), followed by Syria (18 per cent), Egypt (17 per cent), and Morocco (13 per cent) (as in Figure 1).⁵¹

Examining data on women between 15 and 49 years of age, the PAPFAM surveys also found that 15.7 per cent of women in this age group in Yemen (in 2013), 4.9 per cent of women in this age group in Syria (in 2009), and 2.6 per cent of women in this age group in Morocco (in 2011) were married before the age of fifteen. Moreover, examining data on women aged between 20 and 49 years, researchers found that 43.7 per cent of women in this age group in Yemen (in 2013), 23.5 per cent of women in this age group in Syria (in 2009), and 18.5 per cent of women in this age group in Morocco (in 2011) were married before the age of eighteen.⁵² Furthermore, the PAPFAM research found that age differences and educational disparities between spouses in marriages involving minors were associated with divorce.

⁵¹ Roudi-Fahimi, F. *Ending Child Marriage in the Arab World*, p. 1; ICPD Beyond 2014 (2012) Available at: <http://www.prb.org/Publications/Reports/2013/child-marriage-mena.aspx>

⁵² PAPFAM PROJECT.

B. The complex web of socio-economic and cultural factors correlated with child marriage in the Arab region:

The primary drivers of child marriage may be shaped by cultural traditions/values, education, poverty, and insecurity. The relationship between these factors is complex. One of the strongest variables linked to age of marriage is education. Education is also strongly linked to development, which is in turn correlated with poverty.⁵³ Economic and security conditions, as well as cultural values and expectations, shape the perceptions and choices of both parents and girls. Girls may be removed from school for the purpose of marrying.⁵⁴ At the same time, girls who have already left school may be encouraged to marry.

As development increases, rates of poverty generally decline and education rates rise, with a corresponding lowering of child marriage rates.⁵⁵ Increased availability of education (infrastructural development) and economic and social expectations regarding the value of education together contribute to rising education levels. As this occurs, the age of marriage tends to also rise, since it is common (although not always the case) that at least through secondary school marriage is postponed as long as a girl is in school. Females with more education therefore tend to marry later.⁵⁶

However, over time, attitudes about marriage may change regardless of education. Historically, many Arab societies expected that everyone would marry and have (many) children. This expectation in turn was associated with high rates of child marriage.⁵⁷ But data show that the age of marriage is rising, fertility rates are declining, and an increasing number of women are not marrying at all, which suggests that attitudes about both universal marriage and high fertility have shifted over time, giving girls in particular more opportunities to pursue education.

On the hand, although primary school enrolment in the Arab region has risen by over 30 percent in the last decade, and despite the fact that the gender gap in formal education in the region has progressively improved, more than 5 million children are still not enrolled in primary school. About 61 per cent of these out-of-school children are girls,⁵⁸ and roughly half of these girls are concentrated in five Arab States: Egypt, Iraq, Saudi Arabia, Sudan, and Yemen.⁵⁹

At the same time, the reverse may also happen. As societies relax expectations concerning both universal marriage and child marriage, girls in particular may have more opportunities to pursue education. But what of girls who do not excel in school? In some cases, marriage is seen as a 'natural' next step once girls drop out of school.⁶⁰ This suggests that even as development occurs and poverty declines, girls who struggle to do well in school are more at risk of child marriage, because their parents (and sometimes the girls themselves) do not see

⁵³ Carmichael, S. (2011) *Marriage and Power: Age at first marriage and spousal age gap in Lesser Developed Countries*, Working paper no. 15 p. 25

⁵⁴ For more information see UNICEF 2010, *The situation of Palestinian children in The Occupied Palestinian Territory, Jordan, Syria and Lebanon: An assessment based on the Convention on the Rights of the Child*, and Human Rights Watch (2011) *Child Marriage in Yemen* and Zhang, Huafeng, Åge A. Tiltnes and Hani Eldada (2014). *Living conditions of Palestinian outside-camp refugees, Jordan 2012*, Fafo-paper 2014:18.

⁵⁵ For more information see Carmichael (2011) *Marriage and Power* and UNICEF (2014) *A Study on Early Marriage, Amman Jordan*

⁵⁶ Rashad, Hoda, Magued Osman, and Farzaneh Roudi-Fahimi, 2005. *Marriage in the Arab World* (Washington, DC: Population Reference Bureau). P. 4

⁵⁷ Rashad, Osman and Roudi-Fahimi 2005; and Tabutin et al 2005

⁵⁸ UNESCO Institute for Statistics, 2012.

⁵⁹ UNESCO Institute for Statistics, 2012.

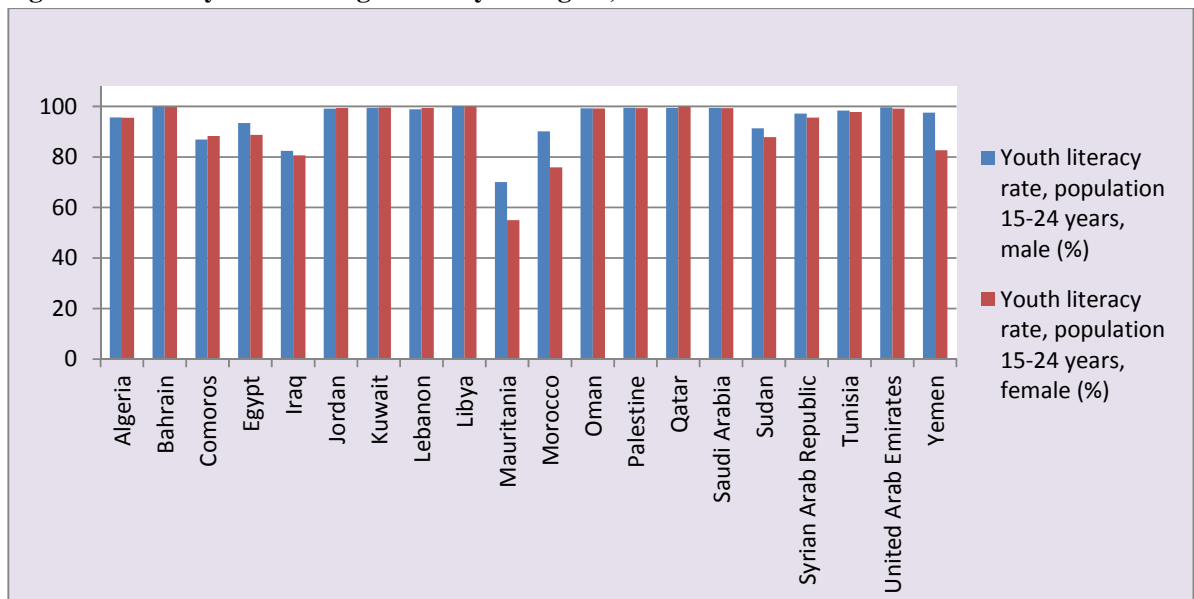
http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/ED/ED_new/pdf/ARB_EN.pdf (p. 8)

⁶⁰ Ibid (p. 9)

⁶⁰ Human Rights Watch 2011 and UNICEF 2014a

the value of pursuing additional education. Finally, social pressure, which is often couched in religious terms and/or in the context of the cultural valuation of virginity, also contributes to child marriage.⁶¹

Figure 2: Literacy rates among Arab boys and girls, 2015



Source: UNESCO Institute for Statistics, 2015 estimates.

The role of culture in relation to child marriage is particularly significant in societies where the so-called “honour,” or good reputation, of families is directly linked to the “honour” of girls and women in the family⁶²—a feature that is quite prominent in the Arab region. Correspondingly, a cultural emphasis, often couched in religious terms, on girls remaining virgins before marriage may result in parents feeling compelled to arrange the marriage of their daughters at an early age in order to prevent premarital sexual relations.⁶³ Parents’ expectations generally play a huge role in dictating when and whom daughters marry, and at times girls are certainly married off by their parents expressly against the girls’ own wishes.⁶⁴ However, the question of who the primary decision maker is in the context of child marriage is complicated. In some cases girls themselves also articulate a preference to marry; this is not surprising given that social norms and expectations are generally internalized. A 2010 UNICEF study, for example, provides concrete cases in which girls express their desire to

⁶¹ UNICEF 2014a

⁶² UNICEF (2014) *A Study on Early Marriage, Amman Jordan*. P. 28

⁶³ UNICEF (2011). *Early Marriage Child Spouses*, p. 6. Available at <http://www.unicef-irc.org/publications/pdf/digest7e.pdf>

⁶⁴ Human Rights Watch (2011), “How Come You Allow Little Girls to Get Married?” *Child Marriage in Yemen*, p. 26 Available at https://www.hrw.org/sites/default/files/reports/yemen1211ForUpload_0.pdf

marry early. Some reasons given for this decision include curiosity, as well as fears that they will grow old and never marry. But while girls often agree to, and may even desire, child marriage, they may later express regrets.⁶⁵ A UN Women report⁶⁶ focusing on Syria, for example, suggested that girls see “distinct social benefits to marrying early, such as increased respect from the community, [but that] many found heading households and rearing children at such a young age to be stressful and challenging.” Parents may also later express regrets, a fact that suggests the importance both of educating parents on the impact child marriage can have on girls, and of creating material conditions that provide families with alternatives.⁶⁷ Moreover, parents are not always in agreement about what is best for their daughters, with husbands and wives sometimes disagreeing vehemently about the amount of education a girl should complete and when she should marry.⁶⁸

Rising education may reduce the cultural acceptance of child marriage. For example, surveys carried out among Palestinians in Jordan asked individuals their opinion about the earliest appropriate age for female marriage. Data from Zhang et al.⁶⁹ suggest that younger individuals and those with more education are more likely to believe that a daughter should either be the main or the only individual to choose her spouse. Older people and those with less education are more supportive of the idea of families marrying off their daughters between the ages of 13 and 17.⁷⁰ Palestinians who still reside in refugee camps were also more supportive of the idea of child marriage. Meanwhile, when girls do not excel in school, marriage may be seen as a ‘natural’ next step subsequent to dropping out of school.⁷¹ This suggests that even as development occurs and poverty declines, the risk of child marriage persists, because parents (and sometimes the girls themselves) do not see the value of additional education in cases where the girl is not excelling.

C. Ratification of International Treaties by Arab States:

In most countries, including those in the Arab region,⁷² international laws take precedence over national laws; treaties are binding on State parties that accede to them. As such, State parties ratifying these international conventions are held responsible for ensuring the fulfillment of international obligations.

The majority of Arab States have ratified human rights treaties obliging signatories to respect, protect, and fulfill the human rights of girls, including by prohibiting child marriage.⁷³ However, most countries have made reservations to treaty provisions that they consider incompatible with Islamic Sharia law.⁷⁴ The reasons for States’ non-ratification of international treaties include structural limitations in monitoring the implementation process

⁶⁵ Ibid., p. 36 https://www.hrw.org/sites/default/files/reports/yemen1211ForUpload_0.pdf

⁶⁶ UN Women (2013b), *Inter-agency assessment: Gender-based Violence and child Protection among Syrian Refugees in Jordan, with a focus on early marriage*. p. 3 [file:///C:/Users/793970/Downloads/Report-webpdf\(1\).pdf](file:///C:/Users/793970/Downloads/Report-webpdf(1).pdf)

⁶⁷ UNICEF (2014), *A Study on Early Marriage, Amman Jordan* p. 26

⁶⁸ Human Rights Watch (2011) *How Come You Allow Little Girls to Get Married? Child Marriage in Yemen* and UNICEF (2014) *A Study on Early Marriage, Amman Jordan*

⁶⁹ Zhang et al 2014b and 2014c

⁷⁰ Zhang et al 2014b and 2014c

⁷¹ Human Rights Watch, 2011 and UNICEF 2014).

⁷² The supremacy of international law on national law is explicitly recognized in the constitutions of Algeria, Mauritania, and Morocco for example.

⁷³ For the database of Treaty Accession see <https://treaties.un.org/Pages/ParticipationStatus.aspx>. Accession, ratification, and signature are used to signify States’ ratification status to international human rights and humanitarian instruments. The term accession is used when a State accepts the opportunity to become part of a treaty that has been negotiated and signed by other member States. Signature of a treaty expresses the State’s willingness to be part of the treaty-making process, prior to establishing consent to be bound by the treaty. Ratification refers to a State’s indication of its consent to be bound by the provisions of a treaty, while retaining the right to make reservations to the treaty.⁷³

⁷⁴ Sharia law is a set of laws derived from various sources, expounded upon and diversely interpreted by Islamic jurists. Civil society organizations in, for example, Morocco and Tunisia have undertaken reform initiatives to illustrate the compatibility of sharia law with international human rights standards.

and the incompatibility of UN treaties, especially those related to social and political rights, with domestic legislations.⁷⁵

Most Arab States acceded to or ratified the ICESCR of 1966; the exceptions were Oman, Qatar, Saudi Arabia, and the United Arab Emirates. A majority of Arab states also acceded to or ratified the ICCPR of 1966; however, Algeria, Bahrain, Egypt, and Kuwait made reservations to the ICCPR regarding articles 3 and 23, on equality between men and women and on the right to full and free consent to marriage. A majority of Arab states ratified or acceded to the 1979 CEDAW; exceptions were Somalia and Sudan. But most countries have made reservations to various articles of this declaration. The Syrian Arab republic is the only country in the region that made a specific reservation to article 16(2) of CEDAW, which asserts the illegality of the betrothal of girls;⁷⁶ the reservation was made on the basis that the article is incongruent with interpretations of Islamic Sharia law.

All Arab States are party to the 1989 Convention on the Rights of the Child, with Somalia being the last Arab country to ratify the Convention in January 2015. The majority of States made general declarations to the Convention, noting their adherence to the provisions of the CRC so long as they do not conflict with Islamic Sharia law. On the other hand, most countries in the region have not ratified the 1962 Convention on Consent to Marriage, Minimum Age of Marriage and Registration of Marriages, which clearly establishes governments' obligations to set a minimum age for marriage, protect the right of spouses to consent to marriage, and register all marriages. Jordan, Libya, Tunisia, and Yemen are the only four countries in the region that have acceded to the Convention; they did so with no reservations. In Egypt, a presidential decree recently removed previous reservations placed on Egypt's ratification of this Convention. Yemen acceded to the Convention in 1962 prior to the unification of North and South Yemen: both States had established a minimum age of marriage (15 years of age in the north and 16 years in the south); however, after the unification of the country in 1990 the minimum age of marriage was set at 15 years of age. In 1994, and following the civil war, the minimum age of marriage was eliminated altogether as part of a political arrangement.

With regard to instruments related to humanitarian and refugee situations, Algeria, Djibouti, Egypt, Morocco, Somalia, Sudan, Tunisia, and Yemen acceded or succeeded to the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol.⁷⁷ Egypt made several reservations to the Refugee Convention, specifically articles 12(1), 20, 22(1), 23, and 24, which relate to personal status law of refugees and equal treatment of nationals and refugees in terms of access to benefits related to rationing, elementary education, public relief, work, and social security. Sudan made reservations to article 26 on freedom of movement. Somalia made a general declaration to the Convention and its Protocol, noting its agreement with the provisions so long as they do not adversely affect the national status of displaced people from Somali territories under foreign domination.

⁷⁵ Cali, B.; Ghanea N. (July 2014). *The Domestic Effects of International Human Rights Treaty Ratification in the Member States of the Cooperation Council for the Arab States of the Gulf (GCC)*. P. 9. Available at file:///C:/Users/786451/Downloads/The_Domestic_Effects_of_International_Hu.pdf

⁷⁶ CEDAW Article 16 (2): "The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory." <http://www.hrcr.org/docs/CEDAW/cedaw6.html>

⁷⁷ Accession is defined as acceptance of the provisions of the treaty. States can also become parties to international treaties by *succession*. When one state "succeeds" or replaces another and becomes responsible for the international relations of a territory, the new state can agree to be bound by any treaty that was previously ratified by the state.

Finally, Arab States are also parties to various regional legal instruments, including the League of Arab States' Arab Charter on Human Rights of 2004,⁷⁸ and to regional instruments adopted by the African Union (AU).⁷⁹ These instruments place obligations on member States to protect the human rights of girls, with some instruments explicitly prohibiting child marriage.⁸⁰

Table 4: Arab States' Ratification of International Laws Related to the Protection of the Girl-Child					
COUNTRY	Geneva Convention (IV) relative to the Protection of Civilian Persons in Times of War (1949)(Date of Accession)	Protocol I Additional to the Geneva Convention of 1949, and relating to the Protection of Victims of International Armed Conflicts (1977)	Protocol II Additional to the Geneva Convention, and relating to the Protection of Victims of Non-International Armed Conflicts (1977)	Convention Relating to the Status of Refugees (1951) (Date of Succession (d) or Accession (a))	Rome Statute of the International Criminal Court (1998) (Date)
ALGERIA	1962	1989	1989	1963 (d)	Signed in 2000
BAHRAIN	1971	1986	1986	Not signed	Signed in 2000
DJIBOUTI	1978	1991	1991	1977 (d)	Ratified in 2002
EGYPT	1952	1992	1992	1981 (a)	Signed in 2000
IRAQ	1956	2010	Not signed	Not signed	Not signed
JORDAN	1951	1979	1979	Not signed	Ratified in 2002
KUWAIT	1967	1985	1985	Not signed	Signed in 2000
LEBANON	1951	1997	1997	Not signed	Not signed
LIBYA	1956	1978	1978	Not signed	Not signed
MAURITANIA	1962	1980	1980	1987 (a)	Not signed
MOROCCO	1956	2011	2011	1956 (d)	Signed in 2000
OMAN	1974	1984	1984	Not signed	Signed in 2000
PALESTINE	2014	2014	Not signed	Not signed	Not signed
QATAR	1975	1988	2005	Not signed	Not signed
SAUDI	1963	1987	2001	Not signed	Not signed

⁷⁸ The Arab Human Rights Committee reviews State reports, providing recommendations similar to those of other international mechanisms. However, the Committee has been criticized over the years for declining to consider reports from civil society organizations regarding human rights concerns. There is little public knowledge in the region about the Arab Charter on Human Rights and its principles, even within States that have ratified it. As a result, the Charter has been described as “illusory” and largely ineffective.

⁷⁹ These instruments are adopted by virtue of their membership in the AU, specifically Algeria, Djibouti, Egypt, Libya, Somalia, Sudan, and Tunisia.

⁸⁰ It is to be noted, however, that the African Commission on Human and People's Rights, the body responsible for oversight of these instruments, has been characterized as having inadequate power to investigate abuse and implement the principles of the Banjul Charter. While the ACRWC provides important safeguards for children, its implementation and effectiveness have also been questionable.

ARABIA					
SOMALIA	1962	Not signed	Not signed	1978 (a)	Not signed
SUDAN	1957	2006	2006	1974 (a)	Signed in 2000
SYRIAN ARAB REPUBLIC	1953	1983	Not signed	Not signed	Signed in 2000
TUNISIA	1957	1979	1979	1957 (d)	Acceded in 2011
UNITED ARAB EMIRATES	1972	1983	1983	Not signed	Signed in 2000
YEMEN	1970	1990	1990	1980 (a)	Signed in 2000

Table 5: Arab States' Ratification of Regional Human Rights Instruments Related to Child Marriage				
COUNTRY	The Arab League	The Organization for African Unity (African Union)		
	Arab Charter on Human Rights (2004)	African Charter on Human and People's Rights (Banjul Charter) (1986)	African Charter on the Rights and Welfare of the Child (ACRWC) (1999)	Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol) (2005)
ALGERIA	2006	1987	2003	Signed in 2003, but has not ratified.
BAHRAIN	2006			
DJIBOUTI	Not signed	1991	Signed in 1992, but has not ratified.	2005
EGYPT	Not signed	1984	2001	Not signed
IRAQ	2013			
JORDAN	2004			
KUWAIT	2013			
LEBANON	2011			
LIBYA	2006	1986	2000	2004
MAURITANIA	Not signed	1986	2005	2005
MOROCCO	Not signed			
OMAN	Not Signed			
PALESTINE	2007			
QATAR	2009			
SAUDI ARABIA	2009			

SOMALIA	NA	1985	Signed in 1991, but has not ratified.	Signed in 2006, but has not ratified.
SUDAN	2013	1986	Not signed	Not signed
SYRIAN ARAB REPUBLIC	2007			
TUNISIA	NA	1983	Signed in 1995, but has not ratified.	Not signed
UNITED ARAB EMIRATES	2008			
YEMEN	2008			

D. Congruence of Arab State National Laws with International Standards

The legal definition of marriage varies in the Arab region, ranging from a consensual contract between a man and a woman to a contract concluded between a man and a woman's male guardian. While most countries in the Arab region have a codified personal status law that establishes the legal age for marriage, this age varies widely. Moreover, national laws regarding age of maturity are often contradictory, with different ages specified at which individuals may legally gain the right to drive, vote, get married, or be charged with a crime. In some countries, such as Lebanon and Syria, various personal status laws are applied to citizens according to confession; this has created multiple legal regimes with different minimum age for marriage, often set below 18 years of age.

Very few Arab States have developed strict provisions that prohibit child marriages. While most states set a minimum age for marriage, many set it below international standards, or designate different ages for males and females. In the case of different ages for marriage by gender, the age for girls tends to be lower than that for boys, as Table 6 reveals. In addition, there are numerous loopholes in Arab States' national laws regarding legal age of marriage and the registration of marriages that make prevention of child marriage more difficult. Even when the minimum age of marriage is set at 18 or higher, provisions in family laws allow exceptions for those under 18 to marry with a male guardian's consent or through a judge's approval in extenuating circumstances, such as when a young girl is pregnant out of wedlock and marriage is the only way to protect her and her child. Such exemptions do not provide for a lower age limit and are often not strictly or clearly defined. In addition, judges may lack understanding of, and training on, how to treat exceptional cases of underage marriage. There are also indications that significant numbers of marriages are conducted outside of official court systems.

(1) Minimum age of marriage:

Countries that adhere to international standards regarding minimum age of marriage and set a unified age of marriage for males and females include Algeria, Djibouti, Egypt, Iraq, Jordan, Libya, Morocco, Oman, Tunisia, and the United Arab Emirates. Countries such as Algeria,⁸¹ Bahrain, Iraq,⁸² Jordan,⁸³ Somalia,⁸⁴ Syria, and Yemen require that marriage contracts be

⁸¹ Algeria, Code de la Famille, art. 22. Available in French from <http://www.joradp.dz/TRV/FFam.pdf>, p. 4.

⁸² Iraq, Law of Personal Status No. 188 of 1959, art. 10. Available in English from <http://www.refworld.org/docid/469cdf3011.html>, p. 4

⁸³ Jordan, Temporary Personal Status Law 36 of 2010, art. 36. Available in Arabic from <http://www.genderclearinghouse.org/upload/Assets/Documents/pdf/jourd-kanoun-alahwel.pdf>

registered in an official registry. Jordan and Somalia provide for penalties for failing to comply with the registration requirement.

Table 6: Minimum Age for Marriage in Arab States		
COUNTRY	MINIMUM AGE FOR MARRIAGE	
	FEMALES	MALES
ALGERIA	19	19
BAHRAIN	15	18
DJIBOUTI	18	18
EGYPT	18	18
IRAQ	18	18
JORDAN	18	18
KUWAIT	15	17
LEBANON	Age of marriage governed by 15 personal status laws for 18 of Lebanon's religious denominations.	
LIBYA	20	20
MAURITANIA	18	18
MOROCCO	18	18
OMAN	18	18
PALESTINE	15	16
QATAR	16	18
SAUDI ARABIA	No minimum age for marriage	
SOMALIA	18	18
SUDAN	18	18
SYRIAN ARAB REPUBLIC	17	18
TUNISIA	18	18
UNITED ARAB EMIRATES	18	18
YEMEN	No minimum age for marriage	

The highest age for marriage in the region is that set by Libya. Although the Libyan State does not have a personal status code, its Law No. 10 of 1984, which deals only with marriage and divorce, sets the minimum age for marriage for both males and females at 20. In Algeria, reformations to the family code in 2005 standardized the age of marriage to 19 for both males and females, in agreement with the country's age of majority. (Previously the age of marriage had been set at 21 for men and 18 for women.)⁸⁵ Iraq,⁸⁶ Djibouti,⁸⁷ Jordan,⁸⁸ Morocco,⁸⁹

⁸⁴ Somalia, Family Code, 1975 (No. 23/75). Available from <http://www.eassi.org/somalia>

⁸⁵ Algeria, Code de la Famille, loi no. 84-11 du 09 juin 1984, art.7.

Oman,⁹⁰ Tunisia,⁹¹ and the United Arab Emirates⁹² all set the minimum age of marriage at 18 years of age for both males and females. Reforms to Egypt's Child Law No. 126 of 2008 raised the minimum age of marriage from 16 to 18 for both males and females.⁹³ In accordance with the new provisions of the Child Law, which defines a child as any person below 18 years, Egypt's Civil Status Act stipulates sanctions for any person who registers the marriage of persons below the age of 18.⁹⁴

Other countries fail to meet international standards regarding minimum age of marriage and/or set different ages of marriage for males and females. Bahrain's Ministry of Justice and Islamic Affairs issued a decree in 2007 establishing 15 and 18 as the minimum age for marriage for females and males respectively.⁹⁵ Qatar's personal status law, codified in 2006, sets the minimum age for marriage at 16 for girls and 18 for boys.⁹⁶ The Syrian Arab Republic's personal status law of 1953 sets the age of marriage for girls at 17 and for boys at 18. Kuwait's personal status law sets the minimum age for marriage at 15 for girls and 17 for boys; both ages are lower than the minimum standards set by international human rights law.⁹⁷ Sudan's personal status law of 1991 sets the age for marriage for both boys and girls at 10 years of age; this age is significantly lower than international standards, and the lowest specified minimum age for marriage in the region.⁹⁸

Saudi Arabia does not have a codified personal status law. Family affairs dealing with marriage, divorce, or custody are regulated through Sharia law and are subject to a judge's interpretation of these laws. There is no minimum age of marriage; girls and boys are allowed to marry at the onset of puberty. Although Saudi Arabia's age of majority is 18, a judge has the discretion to rule that a child has reached majority earlier.⁹⁹

In some states, there is a lack of a standardized code applicable to all citizens of the country. In Bahrain, for example, the family law passed in 2009 regulates family affairs for the Sunni population; however, no law was adopted for Shi'a citizens, leaving Sharia courts and religious authorities to make decisions at their discretion regarding marriage and other family provisions.¹⁰⁰ Lebanon also lacks a unified code for Muslims and Christians; each of the country's 18 recognized religious denominations has its own personal status laws and religious courts. The age of marriage in Lebanon varies from one denomination to another, ranging from the onset of puberty to 18; the marriage age set for females tends to be lower

⁸⁶ Iraq, Law of Personal Status No. 188 of 1959, art. 7.

⁸⁷ Djibouti, Code de la Famille, Loi n.152/AN/02/4emeL, 2002. Available in Arabic from:

http://www.law.yale.edu/rew/rew/jurisdictions/afe/djibouti/Djibouti_CodedeFamille.pdf, art. 13.

⁸⁸ Jordan, Temporary Personal Status Law 36 of 2010, art. 10. <http://www.hrea.org/programs/gender-equality-and-womens-empowerment/moudawana/>

⁸⁹ Kingdom of Morocco, Law 70.03 Family Code (Mudawanat al usra) of 2004, arts. 19 and 209.

⁹⁰ Sultanate of Oman, Family Code, art. 7. <http://docs.amanjordan.org/laws/oman/3385.html>

⁹¹ Tunisia, Personal Status Law of 1956, art. 5. In Arabic from: http://www.e-justice.tn/fileadmin/fichiers_site_arabe/codes_juridiques/code_statut_personel_ar_01_12_2009.pdf

⁹² United Arab Emirates, Personal Status Law No. 28 of 2005, art. 30.

⁹³ Egypt, Child Law No. 126 of 2008, art. 2 (p.52).

http://www.unodc.org/res/cld/document/egy/2002/egypt_child_act_english_html/Egypt_Child_Act_English.pdf

⁹⁴ Egypt, Civil Status Act No. 143 of 1994, art. 31bis.

⁹⁵ Freedom House. 2010. Bahrain in *Women's Rights in the Middle East and North Africa: Progress Amid Resistance*. Ed. Sanja Kelly, Julia Breslin. New York: Freedom House. Available from

http://www.freedomhouse.org/sites/default/files/inline_images/Bahrain.pdf P. 9

⁹⁶ Qatar, Law No. 22 of 2006 Promulgating the Family Law, art. 17.

⁹⁷ Kuwait, Personal Status Law No. 51 of 1984, art. 26. In Arabic from <http://aymaneldabaa.blogspot.com/p/blog-page.html>

⁹⁸ Sudan, Personal Status Law for Muslims of 1991, art. 40(2). <http://moj.gov.sd/content/laws/4/6/27.htm>

⁹⁹ See CRC/C/SAU/CO/2, CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION, Concluding observations: Saudi Arabia. 17 March 2006.

¹⁰⁰ Freedom House. 2010. Bahrain in *Women's Rights in the Middle East and North Africa: Progress Amid Resistance*. Ed. Sanja Kelly, Julia Breslin. New York: Freedom House. Available from

http://www.freedomhouse.org/sites/default/files/inline_images/Bahrain.pdf P. 4

than that set for males.¹⁰¹ In the occupied Palestinian territories there is no unified personal status law: the West Bank observes Jordan's family code of 1976, while the Gaza Strip conforms to Egypt's family law of 1954. Despite the fact that CEDAW, which requires governments "to specify a minimum age of marriage and to make the registration of marriages in an official registry compulsory," was endorsed in Palestine by presidential decree in 2009,¹⁰² the legal age of marriage in both the West Bank and Gaza is set at 15 for females and 16 for males.¹⁰³ A directive issued by Chief Shari'a Judge in Gaza in 1996 allows for the marriage of a female at 14 years and 7 months if judicial consent has been obtained.¹⁰⁴ It is to be noted that the Jordanian Personal Status Law No. 61 of 1976 (applicable in principle in the West Bank) allows for the marriage of a female at the age of 14 years and 6 months; while, the Egyptian Law of Family Rights of 1954 (applicable in Gaza) sets the age of marriage at 17.

In Somalia, although the family code of 1975 sets the minimum age for marriage at 18 for both males and females, the country's long civil war has weakened legislative frameworks in the country, with customary practices and Sharia law taking precedence over the legal and judicial systems. The new constitution adopted in 2012 by Somalia's Federal Transitional Government (FTG) guarantees the rights of children, including protection from child and forced marriage.¹⁰⁵ However, without strong legal enforcement mechanisms in place, such guarantees are unlikely to improve the current predicament of Somali girls.

Despite the fact that Yemen's civil law sets the age of maturity at 15, personal status law in Yemen defines the age of maturity for boys as ten years or the attainment of puberty for boys, and nine years for girls.¹⁰⁶ In 1990, after the unification of North and South Yemen, the minimum age for marriage was set at 15 years. However in 1999 the government repealed the minimum age for marriage, allowing children of all ages to be married. Provisions allowing forcibly married girls to divorce while maintaining their rights to maintenance were also repealed. There have been numerous attempts since 2000 to reinstate a minimum age of marriage; the latest attempt was during the National Dialogue Conference.

(2) Exceptions to minimum age of marriage:

Many personal status codes in the region allow for exceptions to the established age of marriage. Algeria's family code allows for marriages under the age of 19 in exceptional circumstances, with a judge's approval.¹⁰⁷ Bahrain's family law, applicable to the Sunni population, allows for the marriages of males and females under age 16 with permission of Sharia courts.¹⁰⁸ Djibouti's family code of 2002 allows for the marriage of males and females under 18 with a guardian's consent or at a judge's discretion.¹⁰⁹ Iraq's personal status law permits individuals at least 15 years old to marry upon approval of a judge with the consent of the individual's legal guardian,¹¹⁰ or in cases of exceptional cause with a judge's approval.¹¹¹

¹⁰¹ Economic and Social Commission for West Asia and Hariri Foundation for Sustainable Human Development (2014). *Lebanon Gender Profile*.

¹⁰² Tabet, G. (2005). *Women in Personal Status Laws: Iraq, Jordan, Lebanon, Palestine, Syria*. Available from: http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/SHS/pdf/Women_in_Personal_Status_Laws.pdf

¹⁰³ United Nations Development Programme (UNDP), 2011, p.23

¹⁰⁴ Freedom House (2010). *Palestine*, New York, Freedom House, p. 7-8. Available from [https://www.freedomhouse.org/sites/default/files/inline_images/Palestine%20\(Palestinian%20Authority%20and%20Israeli%20Occupied%20Territories\).pdf](https://www.freedomhouse.org/sites/default/files/inline_images/Palestine%20(Palestinian%20Authority%20and%20Israeli%20Occupied%20Territories).pdf), p. 7-8

¹⁰⁵ The constitution is available from http://www.constitution.org/cons/somalia/120708_ENG_constitution.pdf

¹⁰⁶ Human Rights Watch 2011, p. 23.

¹⁰⁷ Algeria, Code de la Famille, art. 7.

¹⁰⁸ Bahrain, Family Law no. 19 of 2009, art.18. Available from: <http://www.moj.gov.bh/default7850.html?action=article&ID=1620>

¹⁰⁹ Djibouti, Code de la Famille, Loi n.152/AN/02/4emeL, 2002. Available from: http://www.law.yale.edu/rcw/rcw/jurisdictions/afe/djibouti/Djibouti_CodedeFamille.pdf, art. 13. arts. 14 and 16, p. 3.

¹¹⁰ Iraq, Law of Personal Status No. 188 of 1959, art. 8(1).

¹¹¹ Iraq, Law of Personal Status No. 188 of 1959, art. 8(2).

Jordan's temporary personal status law of 2010 permits the marriage of children at least 15 years of age with their parent's consent, and with a judge's approval.¹¹² Kuwait's personal status law permits the marriages of girls who have reached puberty with their male guardian's consent, or with the permission of a judge if a girl does not have a legal guardian.¹¹³

In Lebanon the personal status codes of all religious communities allow for exceptions to marry under the legal marriage age.¹¹⁴ In Libya, exceptions for marriage under the legal marriageable age can be made with consent of a guardian.¹¹⁵ In Morocco exceptions can be made for the marriage of minors in special circumstances with their guardian's permission.¹¹⁶ In Oman marriage of persons under the legal age can be performed if marriage is found to be in the best interests of the child and approved by a judge. In Palestine exceptions to marry below the defined age of marriage are permissible. In Qatar exceptions can be made for marriages under the legal age with guardian's approval, verification of consent of intending spouses, and judge's permission.¹¹⁷

In the Syrian Arab Republic, the law allows for marriages with guardian's consent for boys who are 15 years of age and girls who are 13.¹¹⁸ In Tunisia, exceptions for marriages under the minimum legal age can be made with special permission from judge in extenuating circumstances if the marriage is in the best interests of the spouses.¹¹⁹ In the United Arab Emirates, exceptions to the legal age of marriage can be granted for persons under 18 with judge's permission and verification that marriage is in the best interest of the child.¹²⁰

(3) Consent for marriage:

The personal status codes of a number of states stipulate that the consent of both spouses is required for marriage. Algeria's family code defines marriage as a "consensual contract between man and woman," and requires intending spouses to exchange their consent to marry.¹²¹ The code prohibits a *wali*, or male guardian, from giving a minor into marriage without her or his consent.¹²² Iraq's personal status law requires the consent of intending spouses¹²³ and explicitly prohibits forced marriage for both males and females. Iraqi law provides punishment of up to 3 years in prison for a direct relative accused of forcing a person into marriage, and 3 to 10 years in prison for anyone else accused of the same crime, although no information is available on the adequacy of enforcement of such provisions.¹²⁴ Morocco's 2004 *Moudawana* family code stipulates the bride and groom's right to consent, and clearly stipulates that an adult woman has the right to conclude her own marriage contract.¹²⁵ Additionally, the *Moudawana* eliminated the discretionary power of the guardian. Article 8 of Libya's Law No. 10 clearly prohibits forced marriage and explicitly stipulates the

¹¹² Jordan, Temporary Personal Status Law 36 of 2010, arts. 10 and 18.

¹¹³ Kuwait, Personal Status Law No. 51 of 1984, art. 29

¹¹⁴ United Nations Economic and Social Commission for West Asia (ESCWA), Hariri Foundation for Sustainable Human Development (2014). *Lebanon Gender Profile*. unpublished document.

¹¹⁵ Libya, Law No. 10 of 1984 relating to marriage and divorce. Available from: <http://www.aladel.gov.ly/main/modules/sections/item.php?itemid=93>, arts. 6 (b) and (c).

¹¹⁶ Kingdom of Morocco, Law 70.03 Family Code (Mudawanat al usra) of 2004, art. 20 <http://www.hrea.org/programs/gender-equality-and-womens-empowerment/moudawana/>

¹¹⁷ Qatar, Law No. 22 of 2006 Promulgating the Family Law, art. 17.

<http://www.almeezan.qa/LawPage.aspx?id=2558&language=en>

¹¹⁸ Syrian Arab Republic, Personal Status Law No. 59 of 1953, arts. 16 and 18. <http://www.nesasy.org/-/79/41-591953>

¹¹⁹ Tunisia, Personal Status Law of 1956, art. 5.

¹²⁰ United Arab Emirates, Personal Status Law No. 28 of 2005, art. 30(2).

¹²¹ Algeria, Code de la Famille, loi no. 84-11 du 09 juin 1984 arts. 4 and 9.

¹²² Algeria, Code de la Famille, art. 13.

¹²³ Iraq, Law of Personal Status No. 188 of 1959, art. 4.

¹²⁴ Iraq, Law of Personal Status No. 188 of 1959, art. 9(1), (2).

¹²⁵ Kingdom of Morocco, Law 70.03 Family Code (Mudawanat al usra) of 2004, arts. 11, 12, and 25.

rights of women to choose their spouses,¹²⁶ while Article 11 requires that both men and women consent to marriage.¹²⁷

Some states stipulate the right of consent but at the same time grant authority to guardians to conclude marriage contracts, while others require that marriage contracts be concluded not between a man and a woman, but between a man and a woman's male guardian. Although Jordan's temporary personal status law of 2010 establishes the right of both spouses to consent to marriage, Article 6 of the law permits a *wali* to consent on behalf of intending spouses should they be absent.¹²⁸ The Oman family code requires the full consent of intending spouses for marriage,¹²⁹ but Article 19 requires a woman's guardian to conclude her marriage contract, although this must be done with her approval and consent.¹³⁰ Article 3 of Tunisia's personal status law requires the consent of intending spouses; however, while article 9 stipulates that men and women conclude their marriage contracts, it states that they can also request that their guardians do so their behalf.¹³¹ Although Qatar's personal status law also stipulates that intending spouses should agree to the marriage offer and accept it,¹³² the bride's guardian is required to conclude the marriage contract on her behalf, although only with her permission.¹³³ Similarly, while Syria's personal status code requires the consent of both parties, a woman of marriageable age who wishes to marry is required to have her guardian submit his approval to the judge.¹³⁴ Syrian law further stipulates that in cases where an adult woman marries without the consent of her guardian and finds that her husband is unable to fulfill his marital obligations, her marriage must remain intact unless she receives permission from her guardian to divorce.¹³⁵

Kuwaiti law permits girls who have reached puberty to marry with the consent of their male guardians, or with the consent of a judge if a girl does not have a legal guardian.¹³⁶ Kuwait's penal code's allows a kidnapper to forgo punishment if he legally marries the girl he abducted, as long the girl's guardian approves the marriage.¹³⁷ Similarly, in a number of countries a rapist can escape punishment if he marries the rape survivor. However, this rule is often not applicable if the survivor is under 18 years of age, as is the case in Tunisian law for example. In Somalia, although legislation stipulates consent to marriage, the country's long civil war has weakened legal and judicial frameworks, and customary practices and interpretations of Sharia law often take precedence over adherence to the consent requirement. In Palestine, girls and women must have the consent of their male guardians to marry.

In Sudan, where the legal age of marriage is 10, a girl's guardian must seek her approval to be able to conclude her marriage.¹³⁸ On the other hand, should the guardian not consent to a girl's marriage despite her approval of the marriage proposal, the girl can ask a judge to

¹²⁶ Libya, Law No. 10 of 1984 relating to marriage and divorce, art. 8(a) (b). Available from:

<http://aladel.gov.ly/home/?p=1246>

¹²⁷ Libya, Law No. 10 of 1984 relating to marriage and divorce, art. 11. Available from:

<http://www.aladel.gov.ly/main/modules/sections/item.php?itemid=93>.

¹²⁸ Jordan, Temporary Personal Status Law 36 of 2010, arts. 6 and 7.

¹²⁹ Sultanate of Oman, Family Code, arts. 17 and 18. Available from:

<http://www.omanlegal.net/vb/showthread.php?t=8872>

¹³⁰ Sultanate of Oman, Family Code, art. 19. <http://www.omanlegal.net/vb/showthr>.

¹³¹ Tunisia, Personal Status Law of 1956, arts. 3 and 9.

¹³² Qatar, Law No. 22 of 2006 Promulgating the Family Law, arts. 11 and 13.

¹³³ Qatar, Law No. 22 of 2006 Promulgating the Family Law, art. 28.

¹³⁴ Syrian Arab Republic, Personal Status Law No. 59 of 1953, arts. 5, 6, 7, 8(1), 11(1), 20.

¹³⁵ Syrian Arab Republic, Personal Status Law No. 59 of 1953, art. 27.

¹³⁶ Kuwait, Personal Status Law No. 51 of 1984, art. 29.

¹³⁷ Kuwait, Law No. 16 of 1960 promulgating the Penal Code, art. 182. Most penal codes in the Arab region still contain such provisions. Available from:

http://gulfmigration.eu/database/legal_module/Kuwait/National%20Legal%20Framework/Rights%20and%20Obligations/2.1%20Penal%20Law_AR.pdf

¹³⁸ Sudan, Personal Status Law for Muslims of 1991, art. 34.

conclude her contract, so long as the judge proves that her guardian has unfounded or biased reasons for non-consent.¹³⁹ But Article 34(2) of the Sudan Personal Status Law stipulates that if a guardian gives a woman into marriage without her consent and later informs her, she is obligated to stay in the marriage.¹⁴⁰ Such provisions (and various contradictory stipulations) deny women the right to full and free consent to marriage and the right to conclude marriage contracts without a guardian's interference.

In the United Arab Emirates a marriage contract is an agreement between the future husband and the woman's guardian, who concludes the marriage contract upon the woman's approval and signature. A guardian's signature is necessary except under special circumstances, such as if a woman was previously married or is over a certain age.¹⁴¹ In Saudi Arabia, a woman's consent to marriage is ascertained by her guardian,¹⁴² and the marriage contract is concluded between the husband and the wife's guardian.¹⁴³

(4) Registrations of Birth:

Most Arab States provide for the compulsory registration of births and marriages to ensure the ages of intending spouses. UNICEF estimates that around 87 per cent of births in the Arab region are registered. But weak enforcement mechanisms, especially in rural areas, contribute to the facilitation of child marriages. Somalia and Yemen, which have high rates of child marriage, have the lowest birth registration rates in the region, 3 percent and 17 percent respectively.¹⁴⁴ State parties in the region still allow for the betrothal of children in both law and practice, and states that have set the minimum age of marriage at 18 often legally circumvent age restrictions by allowing children to marry in the case of extenuating circumstances. Only a few countries have set a minimum age threshold for the marriage of persons under 18, and judges all too often neglect the serious evaluation of extenuating circumstances before authorizing marriages for children and adolescents. In order for reforms to have an effect on curbing child marriage, disciplinary and programmatic initiatives to enforce registration of all births and marriages are required.

E. Strategies and mechanisms to prevent child marriage in the Arab region

The prevention of child marriage in the Arab region has been mainly dealt with legislatively, through initiatives to reform personal status codes and to develop stricter legislative provisions regarding the minimum age of marriage and exceptions under which minors may marry. Most countries in the region have undertaken efforts to harmonize domestic legislation on family affairs with international legal standards. Algeria, Jordan, Libya, and Tunisia have raised and/or standardized the minimum age for marriage to 18 or above. A few countries have strictly prohibited child marriage, while others have amended provisions dealing with exceptional circumstances. However, access to legal redress, especially for girls, remains difficult in the region. Morocco's National Council of Human Rights, concerned with the rising number of girls married before 18, is working to amend discriminatory legislations in Morocco's family code.¹⁴⁵

¹³⁹ Sudan, Personal Status Law for Muslims of 1991, art. 37(1).

¹⁴⁰ Sudan, Personal Status Law for Muslims of 1991, art. 34(2).

¹⁴¹ United Arab Emirates, Personal Status Law No. 28 of 2005., arts. 38 and 39. See also Freedom House. 2010. *United Arab Emirates in Women's Rights in the Middle East and North Africa: Progress Amid Resistance*. Ed. Sanja Kelly, Julia Breslin. New York: Freedom House Available from: http://www.freedomhouse.org/sites/default/files/inline_images/United%20Arab%20Emirates.pdf

¹⁴² CEDAW, Consideration of reports submitted by State Parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Saudi Arabia, 29 March 2007 (CEDAW/C/SAU/2).

¹⁴³ Saudi Arabia in Freedom House 2010. Available from:

http://www.freedomhouse.org/sites/default/files/inline_images/Saudi%20Arabia.pdf

¹⁴⁴ UNICEF (2013). *Every Child's Birth Right: Inequities and Trends in Birth Registrations*. New York: UNICEF, pp. 16-17.

¹⁴⁵ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14760&LangID=E>

The Sudanese Organization for Research and Development (SORD) and other civil society organizations are undertaking legislative reform efforts to amend Sudan's discriminatory family law provisions, including those related to minimum age of marriage and the right to free and full consent.¹⁴⁶ The National Commission for Lebanese Women has developed a draft law requiring marriages in Lebanon to be authorized officially by a civil judge instead of religious judges and religious courts.¹⁴⁷ The law has been contested and has not been adopted yet.

Some countries have developed programs to increase educational opportunities for girls, provide access to information on services available to refugees, provide reproductive health information, and carry out awareness-raising programs on the harm associated with child marriage. These programs have been mainly carried out through civil society organizations and regional networks that work on reforming discriminatory legislations against women in the Arab region, such as "Women's Learning Partnership" (WLP), "Musawah: For Equality in the Muslim Family", and "Karama: Advancing Women's Participation, Security, and Rights in the Arab World." Finally, it is to be noted that over the past decade, a number of egregious cases of child marriage in Yemen and Saudi Arabia gained international media exposure, prompting governments and civil society organizations to urgently address these cases.

Most states have also established national committees, councils, or organizations that address protection of women, children and families; gender-based violence; the rights of children; and protection from trafficking. In the absence of strategies specifically focused on child marriage, efforts to prevent and deal with child marriage may be organized through these forums. For instance, because child marriage is considered a form of gender-based discrimination, in some countries the practice is dealt with through national women's machineries that seek to empower women, advance their status, and combat gender-based violence. Child marriage may also be dealt with through child protection agencies and national commissions on children whose strategies promote health and education and seek to safeguard children from harm, abuse, or neglect. Protection from child marriage may furthermore be incorporated into strategies that address trafficking in women and children. All Arab states except for Somalia have ratified the United Nations Convention against Transnational Organized Crime (also known as the Palermo Convention);¹⁴⁸ and 17 Arab states have ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (known as the TIP Protocol).¹⁴⁹ Moreover, 13 Arab states (including 12 ESCWA member states)¹⁵⁰ have adopted anti-trafficking legislation; exceptions include Palestine, Libya, Morocco, Tunisia, Yemen, The Sudan, Somalia and Djibouti. However, not all have developed action plans to combat trafficking.

In countries with relatively high levels of child marriage, such as in Yemen, Egypt, and Iraq, specific programs to address child marriage have been set up. However, to date, Egypt is the only country in the region to have created a stand-alone strategy focusing solely on the elimination of child marriage. This strategy has been developed through the National Council for Childhood and Motherhood (NCCM) in conjunction with the National Council for

¹⁴⁶ Sudanese Organization for Research and Development (SORD) 2013. See also Inter Press Service 2013.

¹⁴⁷ Agence France Press. *Lebanon Plans Law to Stem Growing Child Marriage Trend*. 28 August 2014.

¹⁴⁸ UN Treaties. Signatures and ratifications of United Nations Convention against Transnational Organized Crime (updated November 11 2015). Accessed on 12 November 2015. Available From https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&lang=en

¹⁴⁹ UN Treaties. Signatures and ratifications of TIP protocol (updated November 11 2015). Accessed on 12 November 2015. Available From: https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=xviii-12-a&chapter=18&lang=en

¹⁵⁰ ESCWA (2013). *Trafficking in Women and Children in the Arab Region*. 16 October 2013. Accessed on November 12 2015. Available from:

http://www.escwa.un.org/divisions/div_editor/Download.asp?table_name=ecw_other&field_name=id&FileID=399

Women and the Ministry of Health.¹⁵¹ Other countries address child marriage through existing councils, commissions, and committees. For instance, in 2010 Sudan's National Council for Child Welfare adopted the national child act, which includes provisions on violence against children.¹⁵² Iraq's Child Welfare Commission has been assigned the responsibility for adopting a national childhood protection policy that addresses challenges to the wellbeing of the Iraqi child, including child marriage.¹⁵³ The Palestinian National Committee to Combat Violence Against Women (established by the Ministry of Women's Affairs) has issued a strategic plan on violence against women (2011-2019) with numerous provisions on early marriage, including activating the government's 2005 decision to set the minimum age for marriage at 18, and provisions penalizing the marriage of minors.¹⁵⁴

Efforts to challenge child marriage through national mechanisms may be hindered by societal and cultural norms. For instance, the male guardianship system in Saudi Arabia makes it difficult for women to freely choose their spouses and fully consent to marriage. In fact, a number of fatwas (religious edicts) were made in the past condoning child marriage and sanctioning marriages for 10 year olds. In 2011, however, a child protection act was developed by the Saudi Commission for Childhood to protect children from physical, sexual, and psychological abuse.¹⁵⁵ In 2013, a draft law was also developed setting the minimum age for marriage in Saudi Arabia at 18, banning a father from giving an underage daughter into marriage before obtaining the consent of the court, and banning religious authorities (*ma'azoun*) from conducting a marriage ceremony before receiving court approval.¹⁵⁶ However, the draft law has yet to be adopted and signed into law.¹⁵⁷

The effectiveness of mechanisms intended to challenge child marriage may be hindered by situations of instability and political unrest. For instance, during the 2014 Girl Summit in London, the Federal Government of Somalia, Somaliland, and Puntland committed to developing policies to curb child and forced marriages in these three federated states.¹⁵⁸ However, the current state of Somalia makes it difficult to undertake initiatives to curb trafficking in persons.

At the same time, however, as the next chapter will demonstrate, the need to address child marriage may be accentuated in contexts of instability. In the Syrian Arab Republic, the Syrian Commission for Family Affairs was reportedly tasked in 2014 to evaluate a national strategy for the advancement of women taking into account the effects of the Syrian crisis on women. In connection with this initiative, a ministerial committee was established to review all laws that discriminate against women and children; the committee proposed amendments to the legal age of marriage as well as suggesting other provisions for the prevention of child and forced marriages.¹⁵⁹ Yemen's Women's National Committee has developed a national women's development strategy (2006-2015) that aims to raise awareness on the negative implications of early marriage on the health of girls and to improve education; the committee

¹⁵¹ The Cairo Post, *NCCM Tackles Early Childhood Marriage*. 10 February 2014. Available from:

<http://thecairopost.com/news/88291/news/nccm-tackles-early-childhood-marriage>

¹⁵² Sudan Child Act 2010. Available from:

http://www.africanchildforum.org/ctr/Legislation%20Per%20Country/Sudan/sudan_children_2010_en.pdf

¹⁵³ CRC, Concluding Observations, Iraq (CRC/C/IRQ/2-4)

¹⁵⁴ UN WOMEN. National Strategy to Combat Violence Against Women 2011-2019.

¹⁵⁵ "Saudi Approves Child Protection Law," *Emirates 247*, January 18, 2011, available from

<http://www.emirates247.com/news/region/saudi-approves-child-protection-law-2011-01-18-1.343828>

¹⁵⁶ "Saudi Moves to Curb Child Marriage," *Emirates 247*, available from:

<http://www.emirates247.com/crime/region/saudi-moves-to-curb-child-marriage-2013-12-17-1.531597>

¹⁵⁷ Saudi Arabia Drafts Law to Prevent Child Marriage," *International Business Times*, available from:

<http://www.ibtimes.co.uk/saudi-arabia-drafts-law-prevent-child-marriage-1429498>

¹⁵⁸ UNICEF, Joint Press Release, "Somalis to work together to end child marriage and female genital mutilation for girls and women." Available from: http://www.unicef.org/somalia/cpp_15186.html

¹⁵⁹ Human Rights Council (2014). *Preventing and eliminating child, early and forced marriage*, p. 10.

also seeks to pass legislation on setting a minimum age for marriage.¹⁶⁰ A national strategy to support birth registration in Yemen was established in 2008, and a committee to combat human trafficking was established in 2013. The National Dialogue Conference has proposed provisions on children's rights, including setting a minimum age for marriage, that are expected to be incorporated into Yemen's draft constitution.¹⁶¹

¹⁶⁰ Yemen's Women National Committee and UNFPA (2008). *Women Development Strategy*, p. 28. Available from http://yemen.unfpa.org/demo/uploaded/WNC%20Gender%20strategy%20EN_1.pdf

¹⁶¹ See CRC/C/YEM/CO/4, Concluding observations on the fourth periodic report of Yemen, 25 February 2014.

Chapter 3: **Child marriage in humanitarian settings – prevalence and dynamics**

As noted in the previous chapter, circumstances allowing child marriage are accentuated in contexts of insecurity, conflict, and political instability. Such situations pose pressing humanitarian concerns in both the short and the long term, particularly in contexts of increasing poverty, the collapse of rule of law, and devastation of governmental services. Military violence negatively impacts civilian communities in ways that extend far beyond the immediate security impact, threatening families not only with physical insecurity but also with economic hardship and social instability. Research suggests that the health and economic consequences of conflict and displacement continue to harm civilian populations for decades after active hostilities cease and humanitarian situations are resolved, with women and children consistently disproportionately affected.¹⁶² According to data from the Council for Foreign Relations, “Women and girls in fragile states lag far behind their counterparts in more stable regions across a slew of human development indicators—from nutrition and access to health services to educational attainment and economic opportunities.”¹⁶³ In such problematic contexts, child marriage is a dangerous consequence. Despite the fact that underage marriage is always a clear violation of girls’ rights—one with long-term development consequences—in contexts of conflict and instability it may be perceived by parents as a logical response to hardship: a way of protecting girls, aiding families economically, and safeguarding family reputations.

This chapter brings the focus of the study to the problem of child marriage in conflict and humanitarian settings in the Arab region. It provides an analysis of the overall socio-economic dynamics that fuel child marriage among refugees in the region. Drawing on available data and reports, the chapter addresses the prevalence and trends of child marriage in countries that have faced violent conflicts and forced displacement, including Lebanon, Palestine, Somalia, Sudan, Syria, and Yemen. The analysis attempts to differentiate between contextual elements specific to crisis situations and the deeply rooted socio-cultural elements that contribute to this problem, as well as the inter-linkages between them.

(A) Child marriage, development, and conflict:

In the Arab region, with almost 20 million people—roughly 5.2 per cent of the total regional population—refugees or Internally Displaced Persons¹⁶⁴ and many more living in the context of protracted conflicts, the risk of child marriage increases significantly. (Table 7 below provides a detailed overview of the magnitude of displacement in the region). Various reports have emphasized the particular vulnerability of women and girls from minority groups in the region.¹⁶⁵ Anecdotal evidence also suggests that child, forced, and temporary marriages are paving the way for new forms of trafficking in girls and women that are distinctive to the

¹⁶² Ghobarah, Hazem Adam, Paul Huth, and Bruce Russett (2003). “Civil Wars Kill and Maim People—Long after the Shooting Stops.” *American Political Science Review* 97:2 (May), pp. 189–202.

¹⁶³ Lemmon, Gayle Tzemach (2014). “Fragile States, Fragile Lives: Child Marriage amid Disaster and Conflict.” Working Paper, Ford Foundation, June, p. 4.

¹⁶⁴ Refugee and IDP figures were compiled from UNHCR country-level data (unhcr.org/pages/49e45ade6.html). Population data refer to all Arab States encompassed by UNFPA, using UNFPA country-level data (arabstates.unfpa.org/public/pid/11011).

¹⁶⁵ Reports from civil society organizations and media outlets suggest that many Yazidi and Christian girls and women in Iraq have been forced to marry fighters of the so-called Islamic State of the Levant (ISIL), while others have been sold into slavery; as per Kinder, T. “Iraq Crisis: Yazidi Women ‘Forced to Marry’ Islamic State Fighters,” *International Business Times*, 18 August 2014. Available from: <http://www.ibtimes.co.uk/iraq-crisis-yazidi-women-forced-marry-islamic-state-fighters-1461578>; See also, Organization for Women’s Freedom in Iraq (OWFI), <http://www.owfi.info/EN/>

Arab region. In particular, concerns have been raised regarding “tourist” or temporary marriages, which constitute a new type of trafficking in girls under the guise of marriage.¹⁶⁶

Table 7: Registered Refugees and People in Refugee-Like Situations in Major Host States in the Arab Region, 2015¹⁶⁷		
Country of displacement	Country of origin	Refugees
ALGERIA	Palestine	4,100
	Various	130
	Western Sahara	90,000-165,000 (est.)
BAHRAIN	Various	311
DJIBOUTI	Somalia	22,080
	Eritrea	760
	Ethiopia	600
	Various	10
EGYPT	Somalia	7,000
	Sudan	19,000
	Syrian Arab Republic	120,000
	Various	82,200
IRAQ	Palestine	12,400
	Syrian Arab Republic	400,000
	Turkey	16,600
	Various	10,050
JORDAN	Iraq	57,140
	Syrian Arab Republic	937,830
	Various	2,480
	Palestine	2,097,338 ¹⁶⁸
KUWAIT	Various	614
LEBANON	Iraq	6,100
	Syrian Arab Republic	1,835,840
	Various	250
	Palestine	4,100
LIBYA	Various	130
MAURITANIA	Mali	90,000-165,000 (est.)
	Western Sahara	311

¹⁶⁶ See CEDAW/C/EGY/CO/7, *Concluding observations of the Committee on the Elimination of Discrimination against Women*, Committee on the Elimination of Discrimination against Women, 5 February 2010, p. 7; and Iraq CEDAW/C/IRQ/CO/4-6, *Concluding observations on the combined fourth to sixth periodic reports of Iraq*, Committee on the Elimination of Discrimination against Women, 10 March 2014, p. 15.

¹⁶⁷ These figures reflect UNHCR 2015 planning figures, which are based on 2014 registration data and trends: <http://www.unhcr.org/pages/49e485e16.html> (Algeria); <http://www.unhcr.org/pages/49e483836.html> (Djibouti); <http://www.unhcr.org/pages/49e486356.html> (Egypt); <http://www.unhcr.org/pages/49e486426.html> (Iraq); <http://www.unhcr.org/pages/49e486566.html> (Jordan); <http://www.unhcr.org/pages/49e486676.html> (Lebanon); <http://www.unhcr.org/pages/49e485f36.html#> (Libya); <http://www.unhcr.org/pages/49e486026.html> (Mauritania); <http://www.unhcr.org/pages/49e4860d6.html#> (Morocco); <http://www.unhcr.org/pages/49e483ad6.html> (Somalia); <http://www.unhcr.org/pages/49e483b76.html> (Sudan); <http://www.unhcr.org/pages/49e486a76.html> (Syrian Arab Republic); <http://www.unhcr.org/pages/49e486ba6.html> (Yemen)

¹⁶⁸ This figure is based on UNRWA registration and estimates from 2014: unrwa.org/where-we-work/Jordan.

	Various	22,080
MOROCCO	Sub-Saharan Africa	10,000 (est.) ¹⁶⁹
OMAN	Various	149
PALESTINE	Palestine	1,258,559 (in Gaza) 762,288 (in the West Bank) ¹⁷⁰
QATAR	Various	127
SAUDI ARABIA	Various	565
SOMALIA	Ethiopia	2,940
	Various	160
SUDAN	Eritrea	117,320
	Chad	44,650
	Central African Republic	2,280
	South Sudan	51,340
	Various	5,470
SYRIAN ARAB REPUBLIC	Afghanistan	1,200
	Iraq	126,580
	Somalia	900
	Palestine	480,000 ¹⁷¹
	Various	600
TUNISIA	Various	924
UNITED ARAB EMIRATES	Various	514
YEMEN	Ethiopia	6,300
	Iraq	3,300
	Somalia	236,000
	Syrian Arab Republic	12,000
	Various	2,000
REGIONAL TOTAL	Various	8,730,885

While the relationship between child marriage, girls' education, economic development, and poverty has been subject to substantial examination, less is known about the role that conflict plays in shaping child marriage outcomes. Conflict can lead to rates of child marriage falling or rising in response to both economic and social factors. During periods of conflict, marriage may be postponed because the cost is seen as prohibitive, and/or because identifying eligible marriage partners may be difficult. In the context of Tajikistan, for example, females who reached what was considered a marriageable age during and just after the conflict, as well as females in areas where conflict was particularly acute, were less likely to marry.¹⁷² Similar

¹⁶⁹ This figure is a 2010 UNHCR estimate of unregistered refugees: <http://www.unhcr.org/4ba8ce896.html>. There are only 1,216 UNHCR registered refugees in Morocco.

¹⁷⁰ This figure is based on UNRWA registration and estimates from 2014: <http://www.unrwa.org/where-we-work/gaza-strip>; <http://www.unrwa.org/where-we-work/west-bank>.

¹⁷¹ These figures are based on up-to-date UNRWA registration and estimates: <http://www.unrwa.org/syria-crisis#Syria-Crisis-and-Palestine-refugees>.

¹⁷² Shemyakina (2013). "Patterns in Female Age at First Marriage and Tajik Armed Conflict." *European Journal of Population* 29:303–343

findings were reported for Rwanda.¹⁷³ In the context of Iraq, it has been reported that “One of the numerous consequences of the [...] demographic imbalance between men and women is the difficulty for young women to get married.”¹⁷⁴ On the other hand, rates of child marriage may rise in conflict situations. Various factors may contribute to this rise, including: (1) a lack of economic development and/or growing poverty, (2) a breakdown of infrastructure in general and educational services in particular, (3) perceived or actual threats of violence, and (4) intensified ideological tension. The degree to which each of these factors is relevant to various conflicts in the Arab world varies.

Conflict generally reduces the prospects for economic growth considerably, which in turn causes poverty rates to rise. Household income often declines in conflict situations, which in turn can lead to households adjusting their consumption and savings behavior.¹⁷⁵ Families may see marrying daughters off as an opportunity to secure their daughter’s economic wellbeing, as well as a way to reduce household size and therefore the number of mouths to feed.¹⁷⁶ In a context of conflict and increased economic hardship, school may be viewed as an economic luxury, and this in turn may contribute to early marriage. Even when economic need is not acute, a lack of infrastructure, including availability of schools themselves as well as of roads and methods of transport, may reduce the possibility of girls going to school, which in turn may increase the attractiveness of marriage. Moreover, since in the Arab region marriage often involves wealth transfer from husbands and their families to wives and their families, marriage may be viewed as a broader household economic strategy to replenish diminished family wealth. In some instances, husbands may even agree to provide on-going income support to a bride’s family (rather than just a one-time wealth transfer),¹⁷⁷ although traditionally, in much of the Arab region, sons, not daughters, are expected to contribute income to their parents’ households.¹⁷⁸ The economic motivations for child marriage therefore should not be viewed as parents ‘selling’ their daughters, as some analysts have suggested.¹⁷⁹ Rather, in a context where child marriage is already somewhat socially acceptable, and where material conditions have shifted drastically, the decision may be made as part of an economic decision meant to protect girls, as well as families more generally, and allow them to survive economically.

(B) Effect of cultural and ideological factors on child marriage in conflict and humanitarian settings:

Increased violence can contribute to the desirability of marrying off under-age daughters for cultural reasons, particularly in contexts where virginity is highly valued. In general, as young men are mobilized to fight and risk their lives, sexual aggression becomes more widespread,

¹⁷³ Jayaraman, Tesfayi and Chandrasekhar (2009). “*Effect of Conflict on Age at Marriage and Age at First Birth in Rwanda.*” Population Research and Policy Review, 28, p. 11. Also available as “Impact of Conflict on Age...” from: <http://dhsprogram.com/pubs/pdf/wp37/wp37.pdf>

¹⁷⁴ Al-Ali and Pratt (2009). “*What kind of Liberation? Women and the Occupation in Iraq.*” Berkeley: University of California Press.

¹⁷⁵ Olmsted, J (2007) ‘Globalization’ Denied: Gender and Poverty in Iraq and Palestine, in *The Wages of Empire: Neoliberal Policies, Armed Repression, and Women's Poverty*, edited by Amalia Cabezas, Ellen Reese, and Marguerite Waller, pp. 178-233, Paradigm, Boulder, Colorado (Page no. ?)

¹⁷⁶ Al-Ali and Pratt (2009). “*What kind of Liberation? Women and the Occupation in Iraq.*” Berkeley: University of California Press.

¹⁷⁷ Charles and Denman (2013). “*Syrian and Palestinian Syrian Refugees in Lebanon: the Plight of Women and Children.*” Journal of International Women's Studies, 14(5), p. 19. Available at: <http://vc.bridgew.edu/jiws/vol14/iss5/7>

¹⁷⁸ Olmsted (2005). “*Gender, Aging and the Evolving Arab Patriarchal Contract.*” Feminist Economics, 11:2,

¹⁷⁹ A quick Google search provides half a dozen headlines that discuss the ‘sale’ of Syrian females as brides. Articles using the same terminology also appear in reference to Iraqi refugees in previous times. For a discussion of the problematic way that Syrian women and girls are being portrayed in the Syrian crisis see Alhayek (2015) Alhayek, Katty, 2015. “I must save my life and not risk my family’s safety!”: Untold Stories of Syrian Women Surviving War, *Jadaliyya*, June 26, <http://www.jadaliyya.com/pages/index/21989/i-must-save-my-life-and-not-risk-my-family%E2%80%99s-safet>

increasing the vulnerability of girls.¹⁸⁰ In contexts where rape is used as a weapon of war and parents fear that their daughters' 'honor' may be threatened, child marriage may be perceived as a way of 'protecting' girls.¹⁸¹ Girls who have already been raped may be married off hastily to avoid stigma.¹⁸² Particularly in contexts where families feel an internalized sense of shame as well as social pressure to kill daughters whose 'honor' has been compromised, child marriage may be seen as preferable to the alternative.¹⁸³ Even the *threat* of sexual violence may increase the desirability of early marriage, with the perception being that a husband can more effectively protect a girl from violence perpetrated by soldiers or militia members. In addition, the ability of a parent who opposes a daughter's marriage to resist the other parent may be limited, particularly in contexts of violence and lawlessness.

It is important to distinguish between different types of child marriage in humanitarian and crisis settings, for despite the fact that all forms of child marriage involve rights' violation, some forms involve far more egregious and extreme violations than others, and the policy solutions in each case will differ. The most extreme cases of 'child marriage' are instances where the girl is kidnapped (by the 'enemy' or militia groups) and forcibly married. In such contexts the practice involves extreme violence, including kidnapping, repeated rape, and at times the forced use of the girls' labor in a manner akin to slavery.¹⁸⁴ Such forced marriage by soldiers is among the most brutal examples of human rights violations now prosecutable as war crimes.¹⁸⁵ Also central to some of the conflicts currently occurring in the Arab region and elsewhere are deep-seated ideological tensions in which girls become pawns in larger ideological battles. Such ideological conflicts can sometimes play out directly in terms of demographic wars, as well as in terms of political factions articulating competing views of gender norms. In the context of the Israeli-Palestinian conflict, for example, high population growth has been a strategy used by both Palestinians and Israelis to attain political dominance.¹⁸⁶ As a result the Palestinians, despite having relatively high educational attainment, also have some of the highest fertility rates in the region. Significant political and cultural pressure to have large families is likely to be a factor contributing to child marriage in this context.

In Iraq, Somalia, Libya, and Yemen, on the other hand, ideological disputes over the definition of Islam may be a factor contributing to child marriage.¹⁸⁷ According to a 2011 Human Rights Watch report, in 1999 the Yemeni parliament, using religion as an excuse, altered the Personal Status laws to allow children below the age of 15 to be married. Fortunately, more recently, legislation to set 18 as the minimum age of marriage was proposed.¹⁸⁸ Another example is recent legislation proposing changes to the way personal status laws would be applied to Iraq's Shia community, including allowing girls as young as nine to divorce (the implication being that they would already be married by that age.) As pointed out by Tarabay,¹⁸⁹ this proposed legislation (which to date has not been passed) was

¹⁸⁰Human Rights Watch (2012). "*No Place for Children.*" p. 59.

¹⁸¹ Human Rights Watch (2011). "*How Come You Allow Little Girls to Get Married?*" p. 17, Charles and Denman (2013). "*Syrian and Palestinian Syrian Refugees in Lebanon.*" p. 105-106, UNICEF (2014), "*A Study on Early Marriage.*" p. 27.

¹⁸²International Federation for Human Rights (2012). "*Violence Against Women In Syria.*" p. 15, Charles and Denman (2013). "*Syrian and Palestinian Syrian Refugees in Lebanon.*" p.106

¹⁸³Save the Children (2014). "*Too Young To Wed.*" p. 5.

¹⁸⁴ Human Rights Watch (2012). "*No Place for Children.*" P. 55

¹⁸⁵ Rehn, Elisabeth and Ellen Johnson Sirleaf, 2002. *Women, War and Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peace-building.* p. 92. available at <http://www.unfpa.org/sites/default/files/pub-pdf/3F71081FF391653DC1256C69003170E9-unicef-WomenWarPeace.pdf>

¹⁸⁶ Kanaaneh, Rhoda Ann. *Birthing the Nation: Strategies of Palestinian Women in Israel.* Berkeley: University of California Press, 2002

¹⁸⁷ *UN 2010 Yemen country assessment on VAW.* p. 16; and Human Rights Watch 2011 (p. 3) and 2012 (p. 54)

¹⁸⁸ Human Rights Watch (2011) "*How Come You Allow Little Girls To Get Married?*" p. 2.

¹⁸⁹ Tarabay, Jamie, 2014. 'Iraqi law would legalize marital rape, child marriage for country's Shia,' *Al Jazeera America*

contested by both Iraqi women's groups and various Shia religious leaders, and sparked considerable debate domestically about what authentic Islamic practices are.

(C) Marriage Trends in conflict-ridden countries:

Table 8 provides an overview of some recent data on child marriage rates, suggesting that in some, but not all, countries that have experienced recent conflict, child marriage rates are particularly high. It should be noted, though, that other data suggest a more nuanced story. It is also worth noting that there is a very strong negative correlation (-0.88) between the SMAM and the percent of child marriages observed in these particular countries. On rare occasions (in Morocco and possibly Libya) a high average age of marriage may mask the fact that in some communities girls are being married off before the age of 18, but in general SMAM is a fairly good predictor of child marriage rates. The correlation with the legal marriage variable and SMAM on the other hand, is low at 0.201, but this is primarily driven by the fact that among Shi'a in Lebanon, marriage at the age of 9 is permitted. More importantly, and as will be discussed in more detail later, there also appears to be a correlation between child marriage and the level of sexual violence, as measured by Cohen.¹⁹⁰

	Child marriage rate	SMAM	Legal Marriage Age	Cohen Sexual violence index
Somalia	45.3		16.0	3
Sudan	32.9	22.2		3
Yemen, Rep.	32.3	22.2	15.0	1
Iraq	24.3	22.8	15.0	2
Palestine	21.0	24.2	14.5	1
Egypt	16.6	22.7	16.0	
Morocco	16.0		18.0	
Syrian Arab Republic	13.3	25.4	18.0	
Jordan	8.4	24.7	18.0	
Lebanon	6.1	28.3	9.0	1
Libya	2.0	31.2	18.0	
Algeria	1.8	29.5	19.0	2
Tunisia	1.6			
Correlation with child marriage		-0.880	-0.201	0.508

Data source: World Bank, Cohen (2011), UN DESA (on legal age)
<http://databank.worldbank.org/data/reports.aspx?source=gender-statistics&Type=TABLE#>
<http://unstats.un.org/unsd/demographic/products/indwm/default.htm>

It is rare for the age of marriage to dip once it has risen, and most of the Arab region presently has a fairly high average age of marriage. In fact, at 31 years of age, Libya has one of the highest female average age of marriage estimates globally. More generally, North African countries stand out for their high average age of marriage and low rates of child marriage, with Libya, Algeria, and Tunisia all having an average age of marriage for women that is

¹⁹⁰ Cohen Dara Kay, 2011. Causes of Sexual Violence During Civil War: Cross-National Evidence (1980-2009), working paper, Humphrey School of Public Affairs University of Minnesota Prepared for the Minnesota International Relations Colloquium March 28, 2011
http://www.operationspaix.net/DATA/DOCUMENT/4220~v~Causes_of_Sexual_Violence_During_Civil_War_Cross-National_Evidence_1980-2009_.pdf

above 25 and child marriage rates at or below 3%. Morocco is a bit of an anomaly, with a high SMAM, but rates of child marriage above 10%, not unlike Syria. Lebanon is another country where the age of marriage is high and the rate of child marriage is fairly low.

It is noteworthy that almost all Arab countries, including those that have experienced considerable conflict, have seen the average age of women rise considerably in recent years. Using longitudinal data for an 80 year period to do her analysis, Carmichael provides evidence of the particularly sharp rise in the Singulate Mean Age at Marriage in Algeria, Lebanon, Syria and Jordan, which she contrasts with patterns in Egypt, Iran, Turkey, Sudan and Yemen (which also rose but not nearly as much). According to Carmichael's analysis, "[f]rom the late 1960s onwards the age at which women were marrying seems to have been steadily increasing (428)"¹⁹¹ in the first four countries, whereas for Egypt and Turkey in particular, as also suggested by Tabutin's analysis, the mean age of marriage barely moved between 1975 and 1998. It is noteworthy that two countries where a particularly sharp increase in the age of marriage was observed also experienced significant conflict in the post-colonial period (Lebanon and Algeria), while two countries included in the group that have not seen a similar rise are also two that have experienced long term conflicts (Sudan and Yemen).¹⁹² Trends in Lebanon and Algeria suggest that there is nothing inherent about conflict, or Arab culture for that matter, that can explain high rates of child marriage. In fact, what these findings suggest is that a complex set of factors needs to be simultaneously present for child marriage to occur.

In the following sections, three categories of communities are considered: (1) those where child marriage rates either have been low historically, or have declined significantly, despite considerable conflict (Algeria and Lebanon—but excluding Palestinian and Syrian refugees); (2) those where child marriage rates have declined historically, but where conflict is likely slowing progress in eliminating the problem or contributing to rising rates (Iraq, Libya, oPt, Syria); and (3) those where child marriage rates remain high (Somalia, Sudan, Yemen). In support of the analysis, Table 9 provides some socio-economic features that characterize the countries in questions.

¹⁹¹ Carmichael, Sarah, 2011. *Marriage and power: Age at first marriage and spousal age gap in lesser developed countries*. *History of the Family* 16:416–436 (page no. ?)

¹⁹² Tabutin, D, Bruno S *et al.* (2005) *The Demography of the Arab World and the Middle East from the 1950s to the 2000s: A Survey of Changes and a Statistical Assessment*. *Population* Vol. 60, No. 5/6 p. 596

Table 9: Various Socio-economic statistics in conflict ridden countries				
	1980	1990	2000	2010
Per capita GPD (\$)				
Algeria	2,189.70	2,394.40	1,757.00	2,189.70
Iraq	3,911.50	10,293.30	..	3,911.50
Jordan	1,792.60	1,312.30	1,763.20	1,792.60
Lebanon	..	1,050.10	5,334.90	..
Libya	..	6,571.70	7,170.50	..
West Bank and Gaza	..	..	1,477.10	..
Somalia	99.1	145.1	..	99.1
Sudan	398.4	481.5	326.5	398.4
Syrian Arab Republic	1,458.50	988.5	1,181.70	1,458.50
Yemen	..	472.1	541.5	..
Life expectancy at birth- male (years)				
Algeria	57	65.3	67.4	69.1
Iraq	56.7	65	68.8	65.2
Jordan	64.9	68.6	70.4	71.9
Lebanon	66.2	68.7	72.8	77.1
Libya	62.5	66.9	70.4	72.9
West Bank and Gaza	..	66.5	69.4	71
Somalia	43.2	43.9	49.3	52.4
Sudan	52.8	54.1	56.2	59.8
Syrian Arab Republic	65	69.3	71.8	72.3
Yemen	49.1	56.3	59.1	61.2
Female secondary enrollment (% gross)				
Algeria	23.4	51.1	63.4	97.1
Iraq	33.5	..	28.4	..
Jordan	73.7	77.6	88.1	91.5
Lebanon	..	..	98.1	75
Libya	58.9	..	..	..
West Bank and Gaza	..	..	82.4	88.8
Somalia	2.2	..	..	..
Sudan	..	..	..	38.7
Syrian Arab Republic	34.6	42.7	42.1	72.7
Yemen	..	..	..	33.8

Statistics from World Bank Database, please see Appendix]

(1) CONFLICT COUNTRIES WITH LOW RATES OF CHILD MARRIAGE:

Lebanon is a country that has suffered from considerable violence. Between 1975 and 1990, the country was involved in a civil war, and additionally both Israel and Syria have had military presences in various parts of the country in the recent past. Israel invaded Lebanon in 1978 and again in 1982, and did not withdraw from the South until 2000. Syrian troops entered Lebanon in 1976 and remained until 2005. More recently, Lebanon has been bombed twice by Israel (1996 and 2006).¹⁹³ Additionally, Lebanon has absorbed multiple waves of refugees, first from Palestine, and much more recently from Syria. As a result, Lebanon is now, according to UNHCR, the top refugee hosting country in the region and the second highest globally. It is also the country with by far the highest proportion of refugees as a percent of its total population, with 257 refugees per 1000 inhabitants.¹⁹⁴ Despite these conflict related challenges, Lebanon, as can be seen in Table 2, has made considerable progress in terms of per capita income, life expectancy, and other socio-economic indicators.

According to data provided by Tabutin et al.,¹⁹⁵ on the eve of the civil war in 1975, Lebanon already had an SMAM of 23.2, the highest average in the Middle East and North Africa (the region under analysis in that article) at the time. Unfortunately, Tabutin does not provide more recent data for Lebanon, but Carmichael¹⁹⁶ states that by 2005 the SMAM for Lebanese women was 27.4. Carmichael also provides a graph of SMAM for Lebanon (along with a number of countries in the region) which shows the SMAM rising steadily, except for a brief dip in the early 1970s to early 1980s, suggesting that the SMAM may have dropped either right before and/or during the early part of the war. Hijab¹⁹⁷ on the other hand suggests that during the period of the civil war in Lebanon, the age of marriage was rising (although she does not provide actual statistics to support this assertion.) Rashad et al.¹⁹⁸ provide data suggesting that in 1995, only 4 percent of girls aged 15-19 were married. It is noteworthy that there is no evidence that the rate of child marriage rose during the civil war, suggesting limited evidence that severe armed conflict was linked to any increase in child marriage in Lebanon.

Similarly, in Algeria, according to official statistics, child marriage is very rare. Algeria is a country that has suffered considerable violence, but has also achieved a degree of development in the past thirty years. Algeria, like Lebanon, experienced a long period of civil war; this was most intense between 1991 and 2000, but violence persisted for quite some time afterwards.¹⁹⁹ Tabutin²⁰⁰ provides data suggesting that the SMAM for Algeria was 20.9 in 1975 and by 1998 had risen to 27.6, the second highest SMAM after Libya. Kouaouci²⁰¹ argues that high unemployment and the high cost of marriage are contributing to the rising age of marriage in Algeria.

¹⁹³ See BBC 2015, *Lebanon profile-timeline* at <http://www.bbc.com/news/world-middle-east-14649284> for a more complete timeline.

¹⁹⁴ UNHCR (2014) *UNHCR Mid- Year Trends*. P. 6 Available from <http://www.unhcr.org/54aa91d89.html>

¹⁹⁵ Tabutin, D, Bruno S et al. (2005) *The Demography of the Arab World and the Middle East*. P. 596

¹⁹⁶ Carmichael, Sarah (2011). *Marriage and power*

¹⁹⁷ Hijab, Nadia (1988) *Womanpower: The Arab debate on women at work*. Cambridge: Cambridge University Press

¹⁹⁸ Rashad H, Maged O, and Farzaneh R (2005) *Marriage in the Arab World* (Washington, DC: Population Reference Bureau) p. 2

¹⁹⁹ For a detailed timeline see BBC (2015) *Algeria Profile- timeline* at <http://www.bbc.com/news/world-africa-14118856>

²⁰⁰ Tabutin, D, Bruno S et al. (2005)

²⁰¹ Kouaouci. A (2005) *Case analysis through the social integration lens: using multi-stakeholder dialogue as a social transformation tool in Algeria* p. 3 and 10

(2) CONFLICT COMMUNITIES WITH STAGNATING AND POSSIBLY RISING CHILD MARRIAGE RATES

Libya, which has the highest per capita income of countries in conflict discussed in this study,²⁰² had the fastest rising SMAM in the region. Beginning at 18.7 in 1995, the mean first age of marriage for women had risen to 29.2 by 1998. While far less plagued by conflict until recently than some other parts of the region, before 2011 Libya did experience some violence, as well as being subject to economic isolation.²⁰³ Existing data suggest, though, that in addition to having a very high mean age of first marriage, child marriage in recent years has been quite rare. UN data put the rate at 2.5 in 2006, while PRB reports a rate of 1%. Libya was one of the countries severely destabilized during the Arab popular movements that began in 2011. By 2014 a full-scale civil war had broken out. Also in 2014 the Islamic State of Iraq and Levant (ISIL) took over the port of Derna, although the occupation of Derna ended in June 2015 when ISIL was driven out of the city by opposing military groups.²⁰⁴ Press reports suggest incidences of child marriage occurring in ISIL controlled areas,²⁰⁵ although systematic statistics are not available to confirm whether this trend is more widespread.

The Palestinian case is unique, because the majority of the population has been refugees since 1948, following the creation of Israel. In 1967, Israel occupied the West Bank and Gaza Strip, which had previously been under Jordanian and Egyptian control respectively. PCBS²⁰⁶ estimated that in 2006 there were 10.1 million Palestinians, of whom 39.2% lived in the oPt, 27.7% lived in Jordan, 11.2% lived in Israel, and 16.2 % lived in other Arab countries.²⁰⁷ As such, an analysis of data in each of these contexts is needed to provide a full picture of child marriage rates among Palestinians.

Palestinians living in the Occupied Palestinian Territories have been highly dependent on the Israeli economy since 1967. Following the Oslo accords the economies of the West Bank and Gaza Strip worsened considerably, mainly because of Israeli policies that reduced mobility of goods and humans. For example, poverty rates rose from 25 to 60 percent between 2000 and 2003.²⁰⁸ In 2007 after Hamas was democratically elected in Gaza, Israel imposed an extremely harsh blockade on that area and economic conditions worsened even further. In addition, Israel has bombed Gaza repeatedly in recent years (2008, 2012, 2014), creating considerable economic and physical hardship.²⁰⁹

Palestinians have not only been affected directly by the Israeli-Palestinian conflict, they have also experienced economic hardship and violence as a result of living in other countries where conflicts have occurred, such as Lebanon, Syria, and Kuwait. For example, Palestinians living in Lebanon were impacted by the civil war there, sometimes inadvertently, sometimes deliberately, such as during the massacre of Sabra and Shatila camps in 1982. A large number of Palestinians were displaced during the Iraqi invasion of Kuwait. Finally, Palestinians in Syria have been displaced and/or experienced brutal sieges in the context of the on-going Syrian crisis.

²⁰² According to data provided by Tabutin, D, Bruno S *et al.* (2005) *The Demography of the Arab World and the Middle East*, p. 596

²⁰³ In 1981 the US shot down two Libyan planes. In 1986 the US bombed parts of Libya. This was then followed by the imposition of sanctions on the country from 1992 to 2003.

²⁰⁴ *Al-Jazeera*, Libyan coalition takes on ISIL in Derna, June 14, <http://www.aljazeera.com/news/2015/06/libyan-coalition-takes-isil-derna-150614154212469.html>

²⁰⁵ *International Business Times* 2015.

²⁰⁶ Palestinian Central Bureau of Statistics (PCBS) 2006, *Palestinians at the End of Year 2006* December, Palestinian National Authority.

²⁰⁷ The remaining 5.7% live in other foreign countries, and will therefore not be included in this analysis.

²⁰⁸ Olmsted, Jennifer. 2007. 'Globalization' Denied: Gender and Poverty in Iraq and Palestine Page no. ?

²⁰⁹ UNRWA (2015) *2014 OPT Emergency Appeal Report*, pgs 2 and 3. Available from http://www.unrwa.org/sites/default/files/2014_opt_emergency_appeal_report_0.pdf

Some studies provide historical analysis of Palestinian marriage patterns, with a focus on Gaza and the West Bank. Data provided by FAFO²¹⁰ show that in 1992, 17 percent of 15 to 19 year olds were married, while 39% of mothers felt it was acceptable for their daughter to be married between the ages of 15 and 18. According to Tabutin the mean age of first marriage among Palestinian women in the West Bank and Gaza Strip did not change at all between 1975 and 1995, and has remained quite low, at 21.7 years.²¹¹ Similarly, a 1998 PCBS report estimated that the SMAM for women in the West Bank was 23, while in Gaza it was 21. Interestingly, these data do not show much difference by level of education, but this study does report that the average age of marriage has been rising over time. The same report estimates that 29.1% of 20 to 24 year old women were married before the age of 18, with a considerably higher rate (35.7%) among Gazans.²¹²

A later PCBS report estimates that 13.2% of females aged 15-19 are married, with slightly lower rates for the West Bank than the Gaza Strip.²¹³ Jarallah uses 2006 PCBS data to suggest a lower rate of 9%.²¹⁴ As was the case in previous studies, Jarallah also points out that there is a difference in marital patterns between Gaza (11% of girls 15 to 19 married) and the West Bank (7% of girls 15 to 19 married).²¹⁵ While not comparable to data that look at marriage rates among 20 to 24 year olds, the data reported for girls aged 15 to 19 (17, 13.5 and 9) do suggest some decline in child marriage rates over time. The data on women aged 20 to 24 who married by 18 suggest a bit more ambiguity. While it appears that between 1998 and 2004 child marriage rates may have declined, the World Bank data show a slight rise between 2004 and 2010. It is also noteworthy that data provided by Rashad, Osman and Roudi-Fahimi suggest that the Occupied Palestinian Territories have seen the smallest decline in the percent of females married before 20 (from 17 to 14 percent during the period 1967-2004) among the countries they analyzed, which also included Egypt, Kuwait, Libya, Tunisia, and the UAE.²¹⁶

While significant data are available for Palestinians living in the OPT, a few estimates are available for those living elsewhere. Recent data suggest that child marriage rates are considerably lower among Palestinians not living in the oPt. For instance, in terms of trends in Jordan, according to Tabutin the mean age of first marriage in Jordan rose from 21.5 to 24 between 1975 and 1995.²¹⁷ While these data are for all Jordanians, marriage rates among Jordanians and Palestinians do not differ substantially. Westoff also provides data for all Jordanians, indicating that the percentage of girls married before 20 declined from 43.7% among women aged 40 to 44 to 21.5% among women aged 20 to 24.²¹⁸ This suggests a rapid decline in child marriage, with the rate being halved in just 20 years.

²¹⁰ Tiltnes, Åge A. and Huafeng Zhang 2014. *The socio-economic conditions of Jordan's Palestinian camp refugees Summary of findings from two surveys, 2011* Faf-report 2014:47 http://www.faf.no/index.php?option=com_zoo&task=item&item_id=6969&Itemid=927&lang=en

²¹¹ Tabutin, S et al (2005). *THE DEMOGRAPHY OF THE ARAB WORLD AND THE MIDDLE EAST FROM THE 1950S TO THE 2000S* p. 596

²¹² Palestinian Central Bureau of Statistics (PCBS) 1998, *Palestinians at the End of Year 1998* December, Palestinian National Authority.

²¹³ Palestinian National Authority Palestinian Central Bureau of Statistics (2006) *Demographic and Health Survey – 2004 Final Report* P. 67

²¹⁴ Jarallah Yara 2008. *Marriage Patterns In Palestine*, MENA Working Paper Series, Population Reference Bureau. P. 1

²¹⁵ *ibid*

²¹⁶ Rashad H, Maged O, and Farzaneh R (2005) *Marriage in the Arab World* p. 1

²¹⁷ Tabutin, S et al (2005). P. 596

²¹⁸ Westoff, Charles F. 2003. *Trends in Marriage and Early Childbearing in Developing Countries*. DHS Comparative Reports No. 5. Calverton, Maryland: ORC Macro. World Bank, nd, Gender Statistics p. 2

Two reports by FAFO focus exclusively on Palestinian refugees in Jordan and suggest that about 7% of female Palestinian refugees living outside of camps in Jordan who are aged 15-18 are married,²¹⁹ whereas within camps the rate is slightly higher, at about 8%.²²⁰

Data provided by UNICEF (2014) state that the SMAM in Jordan was 23.4 for 2012, and the rate of child marriage (those in a union by the age of 18) was 8.4%, based on the 2012 DHS. Although the study then goes on to examine, using court data, how patterns differ between Jordanians, Palestinians, and Syrians, unfortunately no comparable figures are produced that can be used to determine the degree to which child marriage rates vary across these three groups. Instead, the data are reported in terms of what percent of all marriages involve a girl 18 or under, but these numbers are not adjusted in terms of cohort size. In fact, the estimates the authors provide, after adjusting for population size, suggest a child marriage rate of only about 4%, which seems quite low. This illustrates that while court records are useful for measuring marriage *trends*, they are not the best way of estimating *rates* of child marriage.

For Palestinians living in Syria and Lebanon, there is also evidence that the rate of child marriage has declined considerably. For example, data from UNICEF in 2010 suggest that 33% of all Palestinian women in Lebanon were married by 18, while only 5% of 20 to 24 year olds were married by this age. Similarly in Syria, 22% of 20 to 49 year old women were married by the age of 18, but only 4.7% of 20 to 24 year olds were married by then.²²¹ This suggests that conditions of military occupation may play an important role in keeping child marriage rates from declining.

Acute conflict has been an issue in Iraq at least since 1980. The Iran-Iraq war took place from 1980 to 1988, and was followed by the 1990 Iraqi invasion of Kuwait. As a result of the invasion, some of the most extreme and comprehensive sanctions ever imposed were placed on Iraq, and these had a devastating impact on the Iraqi economy. Niblock²²² estimates that in the first year alone of sanctions, national income declined by 75%. Life expectancy stopped rising during the sanctions period as well,²²³ and a number of authors have argued that gender norms were affected.²²⁴ In 1998 the attack “Operation Desert Fox” was launched, followed by the ouster of Saddam Hussein in 2003. After over ten years of severe economic isolation, which put extreme pressure on the social fabric of the country, Iraq then experienced a number of years of war. Even after Saddam Hussein was removed, tensions remained, and most recently ISIL has gained control of some areas of Iraq.²²⁵

Currently UNHCR (2014) reports that about 369,904 Iraqis are refugees; a small increase in this number has occurred since 2013, particularly in conjunction with ISIL-related activity. Earlier refugee figures for Iraq were considerably higher, though, peaking in 2007 with 2.3 million refugees. Somewhat smaller spikes in refugee rates also occurred in 1991, with 1.3 million refugees, and in 1997, with 700,000 refugees, as estimated by UNHCR.²²⁶ Tabutin et

²¹⁹ Zhang, Huafeng, Åge A. Tiltne and Hani Eldada, 2014b. *Living conditions of Palestinian camp refugees, Jordan 2011, Part 2* Fafo-paper 2014:17 (page no. ?)

²²⁰ Zhang, Huafeng, Åge A. Tiltne and Hani Eldada, 2014c. *Living conditions of Palestinian outside-camp refugees, Jordan 2012*, Fafo-paper 2014:18 (page no. ?)

²²¹ Until 2013 the legal age of marriage in Israel was 17, and a recent Jerusalem Post article suggests child marriages was still occurring among Palestinians (and also among Jews) in Israel at the time the law was changed, but does not provide figures as a percent of the population. (Halperin-Kaddari 2013)

²²² Niblock, Tim, 2001. *‘Pariah States’ and Sanctions in the Middle East: Iraq, Libya, Sudan*, Boulder: Lynne Rienner.

²²³ Olmsted 2007

²²⁴ Cankar, 1993; Al-Ali 2005; Al-Ali and Pratt 2007[Olmsted 2007

²²⁵ Baker, Graeme, 2014. ISIL: Rising power in Iraq and Syria: The Islamic State of Iraq and the Levant has outgrown even al-Qaeda as it seeks to establish a new caliphate. *Al-Jazeera*, June 11.

²²⁶ UNHCR data for all refugees are visualized as a time trend at the following web page: <http://www.therefugeeproject.org/#/1997>

al.²²⁷ provide historic data for the SMAM in Iraq, stating that it was 20.8 in 1975 and by 1995 had risen to 22.3. This is of interest, given that Iraq was at war with Iran and subsequently under sanctions during this period. According to the World Bank, in 2007 Iraq had an average age of marriage of 22.8; thus, while some progress may have been made between 1975 and 1995, age of marriage averages seem to have stagnated after that. As in other conflict areas, though, there are challenges when it comes to data availability, as well as some ambiguity when it comes to the accuracy of existing estimates of child marriage. For example, the World Bank data show the SMAM rising and then falling between 1997 and 2005.

A comprehensive survey carried out by the UNDP in 2004, just after the easing of sanctions, suggested that 15 per cent of 15 to 19 year old Iraqi girls were married at the time.²²⁸ The UNDP report suggested, through a comparison of cohorts born between the 1920s and the 1970s, that the average age of marriage had been steadily rising. Similar to the case of Lebanon, these data provide limited evidence that during the worst years of conflict child marriage was increasing, although it is possible that the SMAM would have risen even more in the absence of conflict, as it did in a number of other countries. Also of interest in the 2004 UNDP report were historical data suggesting that while the average age of marriage was lower in the North of Iraq among women born in the 1940s, among the most recent cohort (those born in 1970 to 1979) the average age of marriage is higher; the increase in the north during this 30 year period was 6 years, as compared to a change of only 3 years for the entire country. Although further analysis is needed to parse out why this is the case, it is noteworthy, because it again illustrates the differences that can arise between communities even within the same country.

More recent data for Iraqis suggest some more worrisome trends, as data reported by the UN for 2007 suggest an even higher rate of child marriage, of 19.4 percent. In contrast, the 2014 UNICEF study, using court records from Jordan, finds very low rates of child marriage among the Iraqis living there.²²⁹ That report also includes qualitative information gleaned from focus groups. Iraqis interviewed for the study stated that the practice of child marriage is not common in Iraq, or at least not in the region from which these Iraqis had come. Interviewees also emphasized the importance of financial factors in deterring child marriage. The data for Iraq therefore are somewhat contradictory. It is certainly the case that child marriage remains a problem and may have worsened in recent years. Interestingly, there is limited evidence that child marriage rates rose during the earlier period of war and economic isolation. This raises an important question about whether the conditions at present are different and whether this has contributed to a rise in child marriage rates. At the same time, data collection remains a challenge, and concluding that there is a definitive link between conflict and child marriage in the context of Iraq is difficult.

Syria appeared fairly stable until 2011, despite being surrounded by conflicts in Lebanon and Iraq. But since 2011 the situation has deteriorated massively, and by 2015 UNHCR was reporting that 3 million refugees had fled to Lebanon (1,075,637), Turkey (2,181,293), Jordan (630,776), Iraq (245,134), and Egypt (127,681).²³⁰ Child marriage already existed before the current conflict, but some (admittedly incomplete and not entirely representative) data do suggest it may be on the increase. The data presented by PRB²³¹ suggest that in 2001, 11 per cent of Syrian females aged 15 to 19 were married.²³² The 2014 UNICEF report focusing on child marriage in Jordan does not provide comparable estimates, since that study focuses on

²²⁷ Tabutin et al. 2005

²²⁸ UNDP 2005. *Iraq Living Conditions: Survey 2004. Volume II: Analytical Report*. p. 13

²²⁹ UNICEF, 2014. *A Study on Early Marriage, Amman Jordan*. p. 28

²³⁰ UNHCR (2015) *Syria Regional Response Plan*. Available from <http://data.unhcr.org/syrianrefugees/country.php?id=8>

²³¹ Rashad, Osman and Roudi-Fahimi, 2005

²³² Rashad H, Magued O, and Farzaneh R (2005) *Marriage in the Arab World* p. 3

court records, and therefore does not look at child marriage as a proportion of the population. However, the report does find that the percent of marriages involving girls below the age of 18, as a proportion of all marriages being registered by Syrians, has doubled among refugees in Jordan since the conflict began.²³³

According to data presented in Table 2 of the 2014 UNICEF report, in 2011 marriages involving 15-17 year old girls made up 12 per cent of all marriages registered by Syrians in Jordan (this was fairly similar to trends in Jordan more generally), but in 2013 this rose to 25 per cent. Also of concern was the age gap between Syrian child brides and their husbands, which was considerably larger than that among Jordanians and Palestinians. Carmichael (2011) and others have argued that the spousal age gap can be seen as a proxy for women's empowerment. Therefore not only is the possible rise in child marriage rates of concern, but so too is the increasing difference in ages between Syrian brides and their grooms. With regard to the nationality of the husband, the data show that the majority of the marriages recorded were to Jordanians (64 per cent), followed by Syrians (30 per cent). Despite alarming reports of Gulf Arabs descending in droves on refugee camps in order to marry poor Syrian girls,²³⁴ only 4 per cent (6 marriages total) of the child marriages recorded were to Gulf Arabs. However, the fact that so few marriages between Syrians are showing up in the court data suggest that court records are not capturing many of the marriages, since it is not very likely that such a low percentage of inter-Syrian marriages could be taking place.

Caution is therefore needed in terms of assuming that the trends observed in the 2014 UNICEF study are representative of all Syrians, for several reasons. First of all, refugees are generally a self-selected group, and may have been either more predisposed to child marriage to begin with, and/or their refugee status may have contributed to their decision to marry girls off early (for example, because they are fleeing areas where sexual violence is particularly acute). As such, these findings may not be valid in terms of the Syrian population more generally. In fact, as was mentioned above, it is not even clear how representative of the refugee population in Jordan these findings are, since the court records show such high proportions of marriages to locals but not to fellow Syrians. Syrian nationals marrying other Syrians may either be intimidated by the prospect of registering their marriage in Jordan, or are hopeful that they will soon return to Syria and have the opportunity to register their marriages then. An important question that remains unanswered, then, is whether marriages *between* Syrians in Jordan (and elsewhere) are more or less likely to involve under-aged girls. If more likely, then the UNICEF study is underestimating child marriage among refugees. If less likely, then the opposite is the case, but the existing data do not provide an answer to this question.

(3) COUNTRIES WHERE CHILD MARRIAGE RATES REMAIN HIGH

In Sudan, violence and displacement have for many years been negatively affecting the population. In both the 1960s and 1980s the country experienced civil wars. Violence also broke out in the early 2000s, and despite the fact that a peace treaty was signed in 2005, violence has continued in a number of communities; most notably in Darfur, but also elsewhere.²³⁵ In 2011, after the referendum, South Sudan became an independent country. Sudan and South Sudan are identified by the UNHCR (2014) as having the fourth (Sudan at 670,300) and fifth (South Sudan at 508,600) largest refugee populations globally.²³⁶

²³³ UNICEF (2014) *A Study on Early Marriage, Amman Jordan* p. 8

²³⁴ For a critical view of the way Syrian women are being portrayed during the current conflict, documenting various examples of sensationalized stories about marriage patterns see Alhayek, Katty, 2015.

²³⁵ SØrbØ, Gunnar M. (2010) Local violence and international intervention in Sudan, *Review of African Political Economy*, p. 1

²³⁶ For a more detailed time-line see <http://www.bbc.com/news/world-africa-14095300>

As can be seen in Table 1, Sudan is also one of the Least Developed Countries (LDCs) in the region, a factor that no doubt is contributing to the persistence of high rates of child marriage. Using data from 1990 (when Sudan and South Sudan were still unified), Westoff (2003) reports that the mean age of marriage for women aged 25 to 49 was 17.8 in 1990, and even lower (17.1) in rural areas. Westoff also suggests that the average age of marriage is lower among girls with less education. He does find that the average age of marriage is higher among younger cohorts of females, suggesting some changes in marriage patterns. Whereas 78% of 40 to 44 year olds were married before they were 20, only 36.6 percent of those aged 20 to 24 were married as teens. While this is still a very high rate, it is noteworthy that the per cent of girls experiencing child marriage declined steadily between 1970 and 1990, despite considerable violence and conflict in the country.²³⁷ Carmichael's analysis of the SMAM also indirectly supports the suggestion that child marriage has been declining.²³⁸ Her paper shows a rising SMAM between 1975 and 2005, although in the early 1990s the line flattens out, suggesting that after rising for about 20 years the mean age of first marriage stopped increasing. As such, Sudan is an interesting case, since, if the data are measured correctly, the average age of marriage has risen despite high rates of poverty and considerable conflict, and rates of child marriage have declined (although they still remain fairly high).

Yemen is another country that has both a long history of conflict and poverty and relatively high rates of child marriage. In 1990, the North and South of Yemen became united, but sporadic violence continued to plague the country after reunification. In 2011, Yemen was among the Arab countries where the government stepped down following popular uprising. Yemen has also been subject to various periods of sanctions,²³⁹ which at present are contributing to extreme economic hardship.²⁴⁰ Even before the current crisis (and as can be seen from Table 2) Yemen was categorized as one of the poorest, least developed countries in the Arab region. As such, disentangling the impact of long term instability and conflict from poverty is difficult. It is highly likely that conflict, poverty, and child marriage are linked, with conflict having both slowed down progress towards economic development and contributed to the continuing high rates of child marriage in Yemen (see below).

Tabutin et al. remark that data for Yemen are particularly sparse given that, between 1990 and 2003, only one census was carried out (in 1997), at which time the SMAM was 20.7,²⁴¹ the lowest average age of marriage for women of all the countries included in the authors' analysis. Fortunately, as Tabutin's study was going to press, a census was being carried out in Yemen (in 2004) and a DHS survey was also carried out for 2013, but analysis of these data sets remains somewhat limited. Westoff's data (2003) report few changes in the average age of first marriage between 1991 and 1997, but Carmichael suggests that the SMAM in Yemen has risen, if slowly, between 1960 and 2000.²⁴²

Data reported by Westoff in regard to Yemen also suggest a rather slow decline in child marriage (which is quite different from patterns he indicates for Sudan, which appears to have experienced a more rapid decline, from 74 to 37 percent of women marrying before 20). Westoff's data suggest that 84 per cent of 40 to 44 year olds were married before 20,²⁴³ a slight rise occurred among the cohort aged 35 to 39 (86.5 per cent); and then somewhat more of a drop occurred with later cohorts.²⁴⁴ Still, in 1997 64 per cent of girls aged 20 to 24 had

²³⁷ Westoff, C 2003. *Trends in Marriage and Early Childbearing in Developing Countries* p. 9 & p 23

²³⁸ Carmichael 2011, p. 428

²³⁹ Tabutin et al. 2005, p. 296

²⁴⁰ A summary of key turning points can be found at <http://www.bbc.com/news/world-middle-east-14704951>

²⁴¹ Tabutin, S et al. 2005. P. 596

²⁴² Carmichael 2011, p. 428

²⁴³ Westoff, C. 2003. *Trends in Marriage and Early Childbearing in Developing Countries* p. 23

²⁴⁴ Ibid

married in their teens; therefore the majority of Yemeni girls were married before adulthood until very recently.²⁴⁵ Westoff's 2003 study also indicates that the average age of marriage is not very different for rural (15.9) and urban (16.3) communities, but that those with less education are more likely to marry at a younger age. Jurdi and Saxena (2003) find that cousin marriage is linked to child marriage in the case of Yemen.²⁴⁶ It is important to note, though, that cousin marriage and child marriage are not necessarily linked elsewhere in the region. For example, Tunisia and Qatar have higher rates of cousin marriage than Yemen, but in both these countries marriage before the age of 20 is rare.²⁴⁷

Somalia is another country that has experienced extensive conflict. As a result, UNHCR (2014) reports that Somalis represent the third largest group of refugees globally, with 1.1 million reported as displaced in 2014, primarily in Kenya, Ethiopia, and Yemen.²⁴⁸ In the 1970s the country was at war with Ethiopia, while in the early 1990s civil war led to Somaliland declaring independence, although this move was never recognized by the UN or any national governments. Around 2005, Islamists began gaining power in the region and Ethiopian troops reentered the country. Al-Shabaab began gaining power in the late 2000s. Meanwhile economic devastation has led to widespread famine in recent years, leading the UN to declare emergencies in six regions of Somalia²⁴⁹ and to estimate that over a quarter of a million people died between 2010 and 2012.²⁵⁰

Of all the trends observed in the region, the case of Somalia is the most worrisome. Unfortunately Somalia is also one of the countries where data are particularly difficult to obtain, and scholarly articles as well as reports from NGOs are quite sparse. Neither Tabutin (2005) nor Carmichael (2011) includes Somalia in their analysis. But available figures (as reported in Table 1), indicate that 45.3 per cent, or almost half of all girls, are marrying by age 18—a number that is by far the highest in the Arab region. In addition, reports of refugees resorting to child marriage to protect the honor of their daughters go back to the 1990s,²⁵¹ suggesting that perceptions of violence and child marriage are linked, and have been for quite some time. Recently, there have been reports that rape and forced marriage are being imposed on girls, particularly among the Shahaab rebels. Such actions by rebel forces tend to increase parents' concerns and, correspondingly, the desirability of child marriage, since early marriage means that the responsibility of maintaining a girl's honor shifts to the husband rather than remaining with the parents, who may feel helpless in the face of extreme violence.

Girls who are kidnapped, repeatedly raped, and impregnated are unlikely to emerge without psychological scarring. Given the context of extreme violence in Somalia and the brutality with which certain factions are imposing their will on the community, it is likely that the society will remain scarred for many years to come. Not only are the girls who are experiencing forced marriage and rape of concern, but so are their born children, who are likely to face difficult futures, as has also been the case in Uganda and possibly also in Nigeria. According to Ladisch, mothers in particular who were raped or forcibly married to soldiers, often face, along with their children, “stigma, resentment, and [are] denied access to

²⁴⁵ Ibid p. 25

²⁴⁶ Jurdi, Rozzet And Prem C. Saxena. 2003 The Prevalence And Correlates Of Consanguineous Marriages In Yemen: Similarities And Contrasts With Other Arab Countries p. 2

²⁴⁷ Rashad H, Maged O, and Farzaneh R (2005) *Marriage in the Arab World* p. 3

²⁴⁸ UNHCR (2014) UNHCR country operations profile – Somalia Available from <http://www.unhcr.org/pages/49e483ad6.html>

²⁴⁹ The Guardian (2013) Somalia famine in 2010-12 'worst in past 25 years' Available from <http://www.theguardian.com/global-development/2013/may/02/somalia-famine-worst-25-years>

²⁵⁰ See BBC (2015) *Somalia Profile – Timeline* available at <http://www.bbc.com/news/world-africa-14094632> for a timeline for Somalia.

²⁵¹ Black M. 1998. Girls and war: an extra vulnerability, People Planet

education and land.”²⁵² This points to the ways stigma and poverty are often intergenerational challenges. In addition to suffering economic hardship, victims of rape are likely suffering from post-traumatic stress disorder (PTSD), and their children will also likely suffer from psychological as well as economic problems as well.²⁵³ More generally, a study by RAND suggests that there is increasing evidence that when parents experience depression (which is particularly likely during conflict periods) their ability to parent effectively is compromised.²⁵⁴

There are other forms of violence that are also associated with child marriage in Somalia. A recent World Vision report (2014), for example, argued that Female Genital Mutilation/Cutting (FGM) and child marriage are linked in the context of Somalia, since both are practices put in place to control girls’ sexuality and to assure virginity until marriage.²⁵⁵ Additionally, FGM often immediately precedes marriage, or may be perceived as necessary for marriage. The report also suggested some anecdotal evidence that steps taken to reduce the prevalence of type 3 FGM in favor of type 1 could have inadvertently led to more pressure for girls to marry earlier, because of heightened anxiety about maintaining control of girls’ sexuality. The report cautioned, however, that more research is needed to determine the degree to which this is in fact the case, given that to date only anecdotal information has been available concerning this point. Importantly, the report also pointed out that communities where both early marriage and FGM are prevalent may reject one form of the practice while continuing to practice the other, suggesting that the degree to which these two practices are linked across time can vary.

In summary, in the case of Somalia there is considerable evidence that girls’ rights are under particular threat, not only because of child marriage, but also because FGM remains widespread, and because the use of rape as a weapon of war is also particularly acute. Surprisingly, the World Vision report makes no mention of the role that the conflict and ‘associated sexual violence might be playing in fueling concerns about ‘protecting’ girls’ sexuality and family honor, though both these factors are likely contributing to making it more difficult to eradicate child marriage.

(D) Concluding analysis: The dynamics of sexual violence, economic hardship, and ideology, and their inter-linkages with child marriage:

The above discussion suggests that although child marriage is a concern in a number of Arab countries embroiled in conflict, the specifics vary considerably, and therefore overgeneralization should be avoided. Without carrying out detailed statistical analysis it is not possible to parse out the precise impact of various factors on child marriage rates. It is, however, possible to sort the countries under study into various broad categories in order to determine whether sexual violence, economic hardship, and the politics of ideology appear to be contributing substantially to child marriage outcomes. As illustrated in Table 1 and summarized in Table 4, the data suggest, for example, that sexual violence may have played more of a role in some areas than others in contributing to high rates of child marriage. Cohen lists Somalia and Sudan (as well Iraq, with reference to the Kurdish region) as being among

²⁵² Ladisch, Virginie, “What Future of Children Born of War”, 17 June 2015. Available from: <http://www.insightonconflict.org/2015/06/what-future-for-children-born-of-war/>

²⁵³ Rehn, Elisabeth and Ellen Johnson Sirleaf, 2002. *Women, War and Peace*, available at <http://www.unfpa.org/sites/default/files/pub-pdf/3F71081FF391653DC1256C69003170E9-unicef-WomenWarPeace.pdf>

²⁵⁴ Tanielian, Terri L. and Lisa H. Jaycox. Editors. 2008. *Invisible wounds of war: psychological and cognitive injuries, their consequences, and services to assist recovery*. RAND, Santa Monica, CA, USA. <http://www.rand.org/pubs/monographs/MG720.html>

²⁵⁵ FGM/C is also an issue in Sudan and to a lesser degree Yemen (UNFPA nd). World Vision, 2014, *Exploring the links: Female genital mutilation/cutting and early marriage* May, UK pgs 7 -8

those areas of conflict where sexual violence in the context of war was most severe. Her analysis, though, does not include recent political changes that have occurred in Iraq, or for that matter in Syria. According to her analysis, sexual violence did occur elsewhere in the region, but was less prevalent in Yemen, Lebanon, Algeria, and Palestine.²⁵⁶ As discussed above, in Somalia in particular there is evidence not only of child marriage, but of forced marriage being used to terrorize populations. In addition, the on-going practice of FGM must be added to the list of human rights violations related to issues of control of female sexuality being imposed on girls.

Cohen's analysis predates the current violence in Syria, but there is also rising evidence that both actual violence and the threat of violence have played a role in families' decisions to marry their daughters off early. A 2012 report produced by the International Federation for Human Rights (FIDH), for example, included interviews with Syrian refugees in Jordan who reported the use of sexual violence by both pro and anti-government forces, as well as fears of daughters being kidnapped, as reasons why families fled.²⁵⁷ A recent report in Al-Monitor emphasizes in particular the ways in which ISIL uses sexual (including forced marriage) as well as other forms of violence to instill fear into the population. As was recounted earlier, similar stories of forced marriage have come out of Somalia.²⁵⁸ In Iraq as well, sexual violence was identified as a serious problem in a 2003 Human Rights Watch report.

Importantly, in the cases of Lebanon and Algeria, although there was evidence that sexual violence was a problem, it does not appear that child marriage was viewed as the solution to this problem. Finally, in the case of the oPt there is less evidence that child marriage is linked to threats of sexual violence. This is not to deny that the level of other forms of violence is acute, or that the Israeli military has used sexual violence as a strategy for humiliation and torture in the context of prisons, etc.; but the systematic use of sexual violence against the civilian population on the part of military units does not appear to be a strategy used by the Israeli military. Since the 1993 Oslo agreement, in fact, there has been far less contact between the Israeli military and the general population, because Israel has greatly reduced its military presence in the oPt, particularly in Gaza. In fact, the Israeli military has physically withdrawn completely from Gaza, and instead is now imposing a siege on the area, in addition to periodic aerial bombings. The fact that rates of child marriage are higher in Gaza than in the West Bank, while it is Palestinian women in the West Bank who are more likely to come in direct contact with members of the Israeli military, suggests that fears of sexual violence are not the primary drivers of child marriage here. Instead, it seems that in the context of Palestine the practice of child marriage is more closely linked to economic hardship and to ideological tensions related to military occupation more generally. As was mentioned earlier, it is noteworthy that population growth is a strategy being used by both sides of the conflict to gain a political advantage. This is likely one factor that is contributing to pressure for underage girls to marry. It should also be noted that a recent UN Women report indicates that the highest rate of child marriage is observed in Hebron, a community where the population 'war' is most acute, due to a large settlement community having occupied large portions of the city.²⁵⁹

Turning to the impact of economic hardship, again in the context of the Lebanon and Algeria, there is limited evidence that the economic hardship associated with conflict has contributed to child marriage. Moreover, it should be noted that in a couple of instances, despite persistent

²⁵⁶ Cohen D, 2011. *Causes of Sexual Violence During Civil War: Cross-National Evidence (1980-2009)*, p. 7 and 37

²⁵⁷ International Federation for Human Rights (FIDH), 2012. *Violence Against Women In Syria: Breaking The Silence*, Briefing Paper Based on an FIDH assessment mission in Jordan in December 2012

²⁵⁸ Hanna, Assad, 2014. Syrian girls forced to marry ISIS fighters, Al-Monitor, <http://www.al-monitor.com/pulse/ru/originals/2014/05/syria-girls-marriage-isis-raqqa.html#>

²⁵⁹ UN Women, 2013a. *Building Ties: Towards Integrated Strategies & Policies for Empowering Palestinian Women*, p. 14

poverty, child marriage rates have declined. At the same time, it is also the case that three of the countries with the highest child marriage prevalence, Sudan, Somalia, and Yemen are among the least developed countries in the region, and that conflict and poverty are jointly contributing to the persistence of these patterns.

The cases of Iraq, Libya, Palestine, and Syria are the most complicated. In Iraq, although economic hardship was particularly acute at the beginning of the sanctions period, there is no evidence child marriage rates rose at that time. It is not clear what role economics might be playing in the possible, if small, recent rise in child marriage rates. More work, therefore, is needed to parse out how the sequencing of various types of violence and hardship, beginning with over ten years of sanctions and followed by a considerable period of violence, may have helped to shape child marriage rates. Certainly there is evidence that the social fabric in Iraq has weakened, contributing to rising domestic violence and other challenges.²⁶⁰ The emergence of extremist elements, most recently ISIL, in Iraq, combined with persistent poverty over time, less access to education, and increasing fears of sexual violence may all be factors that contributing to the possible rise in child marriage rates observed in Iraq. But far better data, as well as more analysis, are needed to disentangle these various elements. In Libya the possible return of incidents of child marriage seems to be more clearly linked to emergence of ISIL as a political force in certain parts of the country. But both the issue of reliable data and more analysis of why groups of ISIL have gained a foothold are needed in the Libyan context.

Data remains an issue as well in Syria. While refugees in Jordan in particular have been the focus of field research, and there is tentative evidence that child marriage rates may be rising, with this rise due in turn to both an increase in violence and increased economic hardship, the findings of the UNICEF report remain limited. For one thing, the degree to which this report is representative is not clear, given the high percentage of marriages to non-Syrian men. More generally, very little is known about refugees elsewhere, let alone what is happening inside Syria itself.

Finally, in the case of the oPt, the fact that Gaza, which has experienced far more economic hardship than the West Bank, has higher rates of child marriage, suggests a link between poverty, Israeli policies, and child marriage. The extreme stress caused by Israel's military occupation, which in turn is linked to the on-going population war with Israel, are likely contributing factors when it comes to persistent child marriage practices in the oPt. More generally, the stunted development that is associated with on-going conflict as well as economic isolation imposed from outside may have increased the challenge of eliminating child marriage. This is the case for Iraq, the oPt, Sudan, and Yemen.

²⁶⁰ See Al-Ali, Nadjie, 2005. "Reconstructing Gender: Iraqi women between dictatorship, war, sanctions and occupation," *Third World Quarterly* and Olmsted, Jennifer. 2007. 'Globalization' Denied: Gender and Poverty in Iraq and Palestine, in *The Wages of Empire: Neoliberal Policies, Armed Repression, and Women's Poverty* and Diwakar, Vidya, 2015. Perceptions of Intimate Partner Violence during Armed Conflict: The Case of Iraq. Paper presented at the 2015 International Association for Feminist Economics Conference.

Chapter 4: **Reflections on cases of child marriage among Syrian refugees in Lebanon**

Displacement caused by the on-going crisis in Syria has resulted in increasing poverty, insecurity, and incessant fear over safety for refugee families, the majority of which come from rural and economically modest backgrounds. Despite the absence of comprehensive and reliable figures on child marriage among Syrian refugees (mostly concentrated in Jordan and Lebanon), various indications suggest that displacement conditions have played a major role in lowering the age of marriage and speeding up the marriage process. For instance, the 2014 UNICEF report focusing on child marriage in Jordan through an examination of court records indicates that the percent of marriages involving girls below the age of 18 as a proportion of all marriages being registered by Syrians has doubled among refugees in Jordan since the conflict began. Moreover, according to data presented in that UNICEF report, whereas marriages involving 15-17 year old girls made up 12 per cent of all registered marriages by Syrians in Jordan in 2011 (a figure that is fairly similar to trends in Jordan more generally), by 2013 the percent had risen to 25 per cent. Also of concern was the age gap between Syrian child brides and their husbands, which was considerably larger than among Jordanians and Palestinians. Carmichael (2011) and others have argued that the spousal age gap can be seen as a proxy for women's empowerment. Therefore, not only is the possible rise in child marriage rates of concern, but so too is the increasing difference in ages between Syrian brides and the men they are marrying.

This chapter presents the findings of qualitative field research on child marriage among Syrian refugees in Lebanon. The aim of the research was to examine, through specific cases, indications of contextual determinants of child marriage among Syrian refugees, in particular the role of conflict and displacement in shaping familial decisions to marry off underage daughters.

(A) Field research methodology and challenges

The field research followed a qualitative research methodology,²⁶¹ including individual interviews with 12 Syrian refugee girls in Lebanon who were either married or engaged to be married before the age of 18; with two social workers and a health specialist working with NGOs that provide special programs for Syrian refugee women in Lebanon addressing domestic violence, women's empowerment, health care and vocational education; and with a Sunni *sheikh*. (The research team elected to interview a Sunni *sheikh* because the majority of Syrian refugees in Lebanon are Sunni.) In addition, two Focus Group Discussions (FDGs) were carried out with Syrian refugee women in Lebanon.²⁶²

The interviews provided personal accounts of girls' experiences with child marriage, including the circumstances leading to underage marriage and their lives after marriage; elicited information regarding the frequency with which social/health workers encountered cases of child marriage among Syrian refugees and the circumstances and outcomes of these marriages; and provided insight into the laws regarding marriage age for Syrian refugees in Lebanon, and the experiences of the court with child marriage among this population. The

²⁶¹ It should be noted that qualitative research does not allow researchers to draw generalized conclusions. For instance, the refugees interviewed in this study may not be representative of Syrians generally, as they are shaped by particular demographics. However, in the absence of quantitative data such research provides important insight into the causes and consequences of the phenomenon of child marriage in specific contexts, including its psychological implications for girls and women.

²⁶² All participants read and signed a consent form; they were promised anonymity and their names were not asked for or recorded. For participants who could not read, the form was read to them and they provided oral consent. Permission to record the interviews was requested before switching on the recording equipment, which all but two of the participants agreed to.

Focus Group Discussions elicited women's views on underage marriage in the current circumstances of conflict and displacement. In addition, mothers of underage brides were asked about the circumstances leading to these marriages and their perceptions of the subsequent lives of their daughters.

The research team, comprised of two women and one man, encountered a number of challenges. The first difficulty was including men in the research sample, particularly fathers of girls married under the age of 18. Numerous attempts to conduct interviews and FGDs with men were unsuccessful; either they were reluctant to talk about the issue or were unavailable due to work commitments. Having a mixed sex FGD also proved impossible because participants refused to discuss sensitive topics in front of members of the opposite sex. During one attempt at an FGD with both men and women, three women and one man attended, but one of the women refused to talk in the presence of a man. Likewise, during a preparatory visit to the field, a male informant explained that, given the sensitivity of the topic, it would be inappropriate to discuss it in a mixed audience of male and female participants. The issue was further complicated by on-going security issues, which escalated when the Lebanese army implemented additional security measures for Syrian refugee men during the research period. The worsening security conditions limited the research team's mobility and hindered the research, as the roads to the Bekka Valley were sporadically blocked. Mounting security challenges also made it more difficult for the research team to gain the trust of refugee communities, particularly given the sensitivity of discussing child marriage. As a result of these conditions, the sample of interviewees was obtained through NGO contacts or informants known to the researchers.

An additional barrier was the unwillingness of some husbands to allow their wives to be interviewed. During one of the interviews with a girl married at age 16, the girl's husband stormed into the room and demanded that his wife stop the interview. After this incident, in order to avoid putting participants at risk girls, were asked to get the permission of their husbands before agreeing to be interviewed. Since many of the interviewed girls were under 18, permission to conduct the interviews was obtained from their parents or in-laws if their husbands were unavailable. This was necessary in order to protect the interviewees and ensure that they would not suffer any negative repercussions as a result of their participation in the study.

(B) Research sample²⁶³ and profile of interviewed girls:

The research sample included Syrian refugee women who fled to Lebanon as a result of the conflict in Syria. Three locations in Lebanon were selected for the fieldwork: the Bekka Valley, Beirut, and southern Lebanon. The rationale for selecting these areas was to cover both urban and rural contexts, and to highlight differences among the various regions of Lebanon. In the south, the majority of Syrians interviewed were Syrian Kurds. The communities from which interviewees were selected included both refugees living in tented settlements as well as rented housing; however, all of those interviewed were living in rented accommodation.

The research adopted a convenient sampling strategy, given the sensitivity of the topic and the limited time frame of the research. Community leaders and NGOs working with refugee women introduced the team to Syrian refugee communities that they worked with and identified potential interview candidates. The research team then approached these candidates to invite them to participate in interviews. This sampling methodology has a number of

²⁶³ The sample covered in this research is qualitative and does not reflect the lives of all Syrian refugee populations in Lebanon. The limited interviewees were selected to provide in-depth insight rather than comprehensive statistical data.

limitations, and the sample obtained is not reflective of all Syrian refugee women living in Lebanon. However, given the sensitivity of the topic and the security conditions in the country during the research period, approaching interviewees through contacts that they knew was the only viable way to conduct the research. The following table presents the sample covered in this research.

Table 10: Research sample	
Interviewees	Type of interviews
12 Syrian girls married before 18 ²⁶⁴	Individual interviews
54 Syrian women, including mothers of girls married before turning 18	Individual and paired interviews in addition to 3 focus groups
2 NGO workers, 1 gynecologist, and 1 clergyman	Individual interviews

The majority of girls interviewed had aspired to continue their education and attend university before leaving Syria. However, conflict and displacement had devastating effects on their educational opportunities. Without exception, the girls interviewed were not in school, the vast majority as a result of the conflict in Syria and subsequent displacement. Only two had dropped out from school prior to the crisis; the remaining ten girls stated that they would have continued their education at least through the Baccalaureate level if they had not been forced to leave Syria. Although many of the interviewed girls came from modest rural families, after fleeing to Lebanon they became impoverished and lived in dire circumstances, in poor housing conditions and with very limited and irregular financial resources. Almost all of the girls were sharing accommodations with their in-laws or extended families. Table 11 presents the key characteristics of these girls, including their age at marriage, their level of education, and their current place of residence in Lebanon.

Table 11: Profile of interviewed Syrian girls married under age 18²⁶⁵					
Interviewee reference number	Current residence	Age of marriage or engagement	Level of education attended	Parents' education level*	Girls' expected education level before conflict*
1	Beirut	Married at age 15	Grade 7 (left school because of conflict)	Mother: Grade 4 Father: Unknown	Grade 9
2	Beirut	Married at age 17	Grade 8 (left school because of conflict)	Mother: Illiterate Father: Literate	Grade 12
3	Bekka	Married at age 16	Grade 9 (left school because of conflict)	Mother: Grade 6 Father: Grade 7	College

²⁶⁴ This also includes girls under 17 who are engaged to be married imminently and those who were married as children and are now divorced.

²⁶⁵ Girls' expected education level prior to the Syrian conflict and the education level of their parents was estimated by the girls themselves.

4	Bekka	Married at age 17	Grade 6 (left because she did not like school)	Mother: Illiterate Father: Illiterate	Dropped out while in Syria
5	Bekka	Married at age 15	Grade 9 (left school because of conflict)	Mother: Grade 4 Father: Illiterate	Grade 12
6	Bekka	Signed <i>katb al-ketab</i> at age 16	Grade 9 (left school because of conflict)	Mother: Grade 12 Father: Grade 5	Grade 12
7	Bekka	Engaged at age 16, to be married in three weeks	Grade 8 (left school because of conflict)	Mother: Illiterate Father: Deceased	Does not know
8	Bekka	Married at age 16	Grade 8 (left school because of conflict)	Father: Grade 12 Mother: Grade 6	University
9	Bekka	<i>katb al-ketab</i> at 15 to be married in 2 months	Grade 9 (left school because of conflict)	Mother: Grade 5 Father: Grade 12, now deceased	University
10	Bekka	Married at age 14, divorced at age 15	Grade 8 (left school because of conflict)	Mother: Grade 6 Father: Grade 9	Polytechnic
11	South	Engaged at age 16	Grade 3 (left because she did not do well at school)	Mother: Grade 12 Father: Grade 9	Dropped out while in Syria
12	South	Engaged at age 13	Grade 7 (left school because of conflict)	Mother: Grade 12 Father: Grade 12	University

As Table 12 shows, all spouses of the interviewed girls were over the age of 18 at the time of marriage. Roughly one third of the girls married their cousins, and another third married neighbors or distant relatives. According to the girls, their parents preferred to marry them to Syrian men because they were distrustful of Lebanese men. The Syrian-Kurdish community members interviewed reported that families also insisted on marrying their daughters to fellow Syrian Kurds, as they had done when they were in Syria. This preference corresponds to the findings of a 2013 UN Women study, which similarly found that Syrian refugee families in Jordan seemed to prefer to marry off their daughters to Syrian men, believing that, because of their vulnerable situation, “Jordanian men think that marrying Syrian women is cheaper.”²⁶⁶

The majority of girls’ husbands had left school and entered the job market before the conflict in Syria began, and some were already living in Lebanon prior to the crisis. All of the husbands were currently supporting their extended families, which had also taken refuge in Lebanon. The husbands’ profiles reveal the common practice of marrying girls to cousins and other distant family members: this preference suggests that a primary criteria of families in choosing spouses for their daughters is security. The other factor prioritized by the families of girls was how well established a potential husband was in Lebanon; the majority of families chose to marry their daughters to Syrian men who had been working in Lebanon for an extended time.

²⁶⁶ UNWOMEN (2013). *Gender-Based Violence and Child Protection among Syrian Refugees in Jordan, with a Focus on Early Marriage*. Amman, Jordan: UNICEF, July. p. 32.

Table 12: Profile of husbands married to girls under 18				
Interviewee reference number	Husbands' education level	Current residence	Husbands' age at marriage	Husbands' relationship to wife
1	Unknown	Beirut	22	Brother's friend
2	Grade 8	Beirut	22	Cousin
3	Grade 8	Bekka	20	Neighbor
4	Unknown	Bekka	27	Not related
5	Grade 9	Bekka	25	Cousin
6	Grade 9	Bekka	22	Not related
7	Unknown	Bekka	28	Distant relative
8	Grade 9	Bekka	19	Not related
9	Grade 10	Bekka	20	Not related
10	Grade 8	Bekka	18	Cousin
11	Grade 7	South	19	Cousin
12	Unknown	South	Unknown	Cousin

(C) Research Findings:

The research findings presented here are structured around two themes: a) circumstances leading to marriage and the actual process of marriage (including attitudes about marriage, safety and security consideration, and socio-economic elements), and b) the lives of girls after marriage (including reproductive health issues, domestic violence, and housing). As indicated above and reflected in Table 10, all of the girls interviewed had fled to Lebanon as a result of the crisis in Syria, and had been living in Lebanon for at least two years.

(1) Circumstances leading to marriage of refugee girls

Attitudes towards Marriage

Both the majority of the girls interviewed and their mothers had married before the age they considered ideal for marriage. However, there were generational differences between daughters and mothers regarding the most appropriate age for marriage. According to the majority of girls, 18 to 20 was the ideal age for a girl to get married, while most mothers believed the ideal age for marriage was between 16 and 18, and just under a third thought that a girl should get married after completing her baccalaureate at the age of 17 or 18. Most of the girls agreed that by the age of 30 women became too old for marriage, while most mothers suggested that girls became too old for marriage when they turned 20 or 25. According to one mother, most girls in Syrian villages are married between the ages of 14 and 20, and are considered spinsters if they are not married by the time they turn 20. Disagreeing with common perceptions, this woman suggested that the ideal age for marriage was between 20 and 25, because by this age, girls “become mature and know how to take care of a family.”

Regardless of stated preferences and common perceptions of the ideal age for marriage, most of the mothers interviewed were married between the ages of 14 and 15. They came from poor, rural backgrounds and most had dropped out of school before completing their primary education. Some mothers had had negative experiences with their own marriages, and hoped their daughters would finish their Baccalaureate before getting married in order to avoid having similar experiences. One Syrian mother who had married under the age of 18 explained: “I will never allow my girls to marry early because I suffered a lot. I understood nothing. I was immature, and my in-laws controlled me.” Another woman recalled: “When I had my first child, I was still a child. I wanted to play, so I did not want to take care of the baby. I left that task to my mother in-law. My child cried and I cried with him. I wanted to go to school, but during that time girls were not allowed to go to school. I used to compare my life to others who had no children and envy them.”

Marital expectations were much different for men. One girl, married at the age of 17, explained: “I think it is okay for the man not to get married early because when a woman is older she cannot bear children. But a man can.” Another girl, married at the age of 14 and divorced before turning 15, noted: “In our village, most girls get married between 16 and 20. If a girl is over 25 she is considered a spinster. I do not know about men, but most marry after their military training, and they never become spinsters.” A third girl commented: “I think a girl should at least have a Baccalaureate, but it is even better if she can get a university degree [before getting married]. Men should have a Baccalaureate too, but it is okay if they have a skill instead and can work. If a woman has a degree she can work.”

Although many girls and mothers believed that marriage should be postponed until both spouses turn 18, they detailed several considerations that pushed them to get married much younger. For the majority of the girls interviewed, being forced to leave their homes in Syria and resettle in Lebanon was the main factor in their decision to marry young. Only two had chosen to get married because they loved their husbands and considered them suitable partners, a factor they prioritized over their education, particularly given the instability and lack of employment opportunities in their current circumstances. Three of the 12 interviewees were married within a few days of arriving in Lebanon to men who had previously proposed to them in Syria. The men had previously been rejected because the girls wanted to continue their education. However, after fleeing Syria, the girls’ parents decided to accept the marriage proposals, given the limited opportunities and insecurity their daughters faced in Lebanon.

Safety and Security

The two most frequently cited factors in both girls’ decisions to marry before they turned 18 and parents’ decisions to marry their underage daughters were financial and physical security concerns. Lack of access to education was also highlighted as an indirect factor leading to child marriage. Displacement has brought significant insecurity to most Syrian families, particularly young unmarried girls. Several parents and Syrian NGO workers noted the threat of violence at the hands of warring groups in Syria and in the unstable contexts of displacement, mentioning in particular rumors of rape and sexual harassment in camps. The resulting concern over girls’ safety drove many parents to marry off their daughters to their cousins or relatives just before leaving Syria.

One of the interviewed mothers reported that she knew a family that quickly married their two daughters on the same day before moving to Jordan, because they feared the girls might otherwise be raped as they fled the country. Their daughters were 14 and 15 years old; the older girl is now pregnant at the age of 16. A Syrian NGO health specialist reiterated this concern over security: “[Families] are afraid of the army and militias harming their girls. If an [unmarried] girl is with her father, they might abduct her and rape her because the father cannot protect her. The fathers say it is not their responsibility anymore, it is the husband’s, so he throws the responsibility at another man.”

Several girls confirmed this practice, reporting that their unofficial engagement (*fateha*²⁶⁷) was read just before they left Syria or soon after they arrived in Lebanon. Their marriages took place soon after, at which point they immediately moved to their husband's house to ensure their security. One of the brides explained: "We came [to Lebanon] and the next day he proposed officially and the third day we did the *katb al-ketab* and the following week we got married... The day we arrived here, my in-laws spoke to my brother and he spoke to me. He said I had a day to think about it. We called my dad and he was okay with it, so I accepted. I was happy."

Families who settled in Lebanon when the conflict first began in Syria face different security concerns than families that arrived recently; this is especially true for families with daughters now reaching puberty. More recent arrivals report that Lebanese and Syrian suitors regularly knock on their doors asking to marry their young daughters. With the frequency of sexual harassment, and rumors of landlords taking advantage of young Syrian girls in need of accommodation, many Syrian families choose to marry off their daughters early in order to avoid harassment as well as gossip that might threaten the family's reputation and their daughters' safety. Two of the girls interviewed were engaged to their cousins in Syria primarily to deter men from knocking on their doors to proposition them. Their families believed that potential suitors seeing the girls with rings on their fingers was the best way for families to maintain their dignity and prevent any potential rumors or harassment. A 14-year-old Syrian girl engaged to marry her cousin commented: "Many young men used to hover around the house, and my parents were afraid that they might hurt me, so they agreed [to the engagement], especially that I also loved him... This is why I feel safer now that I am engaged." Another 14-year-old engaged girl noted: "It [the engagement] helped to decrease the pressure [from potential suitors]; no one comes to our house anymore. They used to accuse my dad of lying about my engagement. Now that I have a ring, they know I am engaged."

Despite the fact that some Syrian girls were engaged as young as 12 or 13, informants suggested that they were usually not expected to consummate the marriage until three or four years later, unless conflict forced them to rush the process. One mother recalled: "My daughter was 14 when she was engaged to her paternal cousin, but she wasn't planning to get married until three years later. However, when the army came into our village and we were afraid that they might rape the girls, we quickly married them without a dowry. My daughter had only finished elementary school."

Another girl, married at age 15, described how security concerns and the threat they posed to her family's honor rushed her marriage to her cousin: "If it was not for the conflict I would have stayed in school. The conflict caused my marriage... My father-in-law heard that there were cases of rape in Zaatari camp, so when we moved [to Lebanon] he quickly took me for his son. It was due to the situation; [he wanted] to keep me safe from harm. I loved my husband, but we would not have married that early. We would have waited a couple of years."

Economic Considerations

Deteriorating economic conditions for most Syrian refugee families also played a role both in families' decisions to arrange marriages for their daughters and in girls' decisions to agree to the marriages. The vast majority of the girls and women interviewed came from modest economic backgrounds in Syria; after moving to Lebanon, where they had limited access to employment and affordable housing, their economic situations became increasingly desperate. In Syria, prior to displacement, all of the girls lived in larger, more sanitary homes. Most families did not have to pay rent, because they owned their homes. For the most part,

²⁶⁷ Reading the *fateha* represents an oral agreement between two families to marry the couple and is considered an unofficial announcement of engagement without any legal value.

the male heads of household had stable jobs and steady incomes. Almost all the children were attending school. In contrast, after moving to Lebanon, almost all of the interviewees' school-aged relatives were out of school, and most families did not have a steady income. All of the interviewees lived in small, rented houses with poor sanitation. Most had only one room for the entire family.

According to one Syrian girl married at age 14, "The house [in Syria] had five rooms, a kitchen and two bathrooms. Here we have one room, a kitchen and a bathroom." Another girl noted: "In Syria our house had four rooms, a kitchen, a bathroom and a living room. There were 13 of us in the house. My brother and his family lived with us, occupying one room. [In Lebanon] all 13 of us live in a one-room house with a bathroom and a kitchen. When I first moved here we lived in a *takhshibi*.²⁶⁸ I lived with my brother and married a week after we arrived. My house in Syria was better because it was in my country and here I worry because if my child cries the neighbors are annoyed." A third girl reiterated these harsh living conditions: "[My family shares] one room and a living room. We are 7 people. I have a ten-year-old sister, a nine-year-old brother and a one-and-a-half-year-old sister. In the winter, water gets in and floods the house. In Syria, our house ... [had] three rooms, a kitchen and a bathroom. We didn't have to worry about rain or summer. We were very comfortable. My dad now works in plastering houses. People don't pay him."

According to many interviewees, the economic crisis experienced by many displaced Syrian families pushed some to marry their daughters at a very young age in order to minimize the financial responsibilities of supporting an additional child. The decision to marry off girls in the family was usually made by the head of the household: the father, eldest brother, or widowed mother. One mother who had married her daughter at the age of 14 described feeling frustrated and helpless when her husband decided to marry off their daughter after forcing her to leave school after she completed sixth grade. She explained: "My husband made the decision alone and then informed us... I am weak, and I did not open my mouth. We tried to convince him not to marry our 14 year old daughter but he is stubborn and does what he wants."

Under severe economic pressure, girls accepted the will of their caregivers and agreed to marry. A 14-year-old bride whose father had died 6 years ago, whose widowed mother supported the family, relying on UNHCR food coupons, described the circumstances leading to her marriage: "When I was in Syria, he [the husband] knew our family and used to see me going to school, and he asked my hand in marriage, but I refused him because I wanted to stay in school; but when we came here my mom decided to marry me to him. She asked for my opinion and I said yes because we are not well off and this way there is one less mouth to feed. When he can he will also help out my mum." Another bride-to-be commented: "I am not happy because I am getting married; I would rather be in school. Had our financial situation been better I would not have gotten married."

Education

At the time of conducting the field research, Lebanon hosted approximately 400,000 Syrian refugee school-age children, out of which only 15 to 20 per cent were enrolled in Lebanese public schools, often in localities perceived as 'vulnerable' by a recent UNICEF report.^{269 270}

²⁶⁸ A *takhshibi* is a small tent-like room, which often serves as a home for displaced families.

²⁶⁹ The Lebanese Ministry Of Education and Higher Education presentation at The Sub-Regional Conference on Scaling up Quality Education Provision for Syrian Children and Children in Vulnerable Host Communities, 17-19 June 2014, Amman/Jordan.

²⁷⁰ A composite index of concentration of vulnerable population and registered refugees was used to define five quintiles of vulnerability. Lebanese data was based on the 2004 poverty study and CDR population estimate at the locality level and refugee data from UNHCR as of 30 April 2013. See UNICEF, *UNICEF Lebanon: Equity in Humanitarian Action* (June 2013). UNHCR (Dec 2014). *UNHCR Lebanon: Education Update*. Beirut p. 1 Available at [file:///C:/Users/786451/Downloads/6-EducationUNHCRMonthlyUpdate-December2014%20\(2\).pdf](file:///C:/Users/786451/Downloads/6-EducationUNHCRMonthlyUpdate-December2014%20(2).pdf)

Several Lebanese public schools introduced a second shift for the 2013-2014 academic year to meet the expanded needs of Syrian refugees. According to the Ministry of Education and Higher Education (MEHE), in 2014 there were 29,902 refugee students attending second shift schools.²⁷¹

However, despite the efforts to widen access by the MEHE, UN agencies, and international donors, formal education remains attainable for only 20 per cent of school age Syrians in Lebanon.²⁷² A mere 2 per cent of Syrians were both enrolled in and regularly attended schools at the secondary level. This can in part be attributed to the costs of enrollment. Syrian refugees, who invariably fled under difficult circumstances, are unable to afford even nominal tuition and transportation fees without assistance. To make matters worse, only 30 per cent of Lebanese public schools have offered a waiver of school fees.²⁷³

The refugees who do manage to access formal education encounter a set of challenges that affects their capacity to integrate into, and remain, in school. One such difficulty is language: while Arabic is spoken in both Lebanon and Syria, Lebanese public schools teach science and math in English or French after grade 7. NGOs, private schools, and Syrian-led initiatives have tried to offer alternative education models, but the viability of such efforts to address the needs of out-of-school refugee students remains largely unexplored.

While in rural Syrian communities education was the main factor delaying marriages, the lack of any prospect for refugee girls to continue their education, due to limited access, has contributed to the increasing number of child marriages. As one Syrian NGO worker commented: “In Daraa [Syria] where I come from, before the conflict the literacy rate had gone up to 95 per cent. Everyone wants to get an education. Not all go to university but some do vocational training. At least the girls went to school. Now there are no schools so the fathers say it is better for her to get married than stay at home with me. You know, at least schools, to a certain extent, delayed marriage.” Another girl who had married at 16 explained: “Had I been in Syria, I would not have gotten married as I would still be in school. I wouldn't marry, as I prefer to focus on my studies. My mother finished grade 5 and my dad had a Baccalaureate. Girls should at least have a Baccalaureate, and men do not have to have a university degree, but at least a man should have a skill so that he can work.” In the context of displacement, and given limited access to schools, families and brides prioritized marriage over education. One girl stated: “I said yes because it is safer for a girl my age to get married. My husband would protect me from sexual harassment. ...In such a situation, I would get married, and not go to school. If there was no conflict, I would choose education to marriage.”

The majority of the girls interviewed had completed upper primary grades 8 or 9 while they were in Syria. In Lebanon, there are very few school opportunities for Syrian refugee students in this age group: since most subjects in Lebanon are taught in English or French, they have to overcome the language barrier to continue their education.²⁷⁴ As a result, most of the interviewed girls and their mothers thought that marriage was the best option under the

²⁷¹ The Lebanese Ministry Of Education and Higher Education presentation at The Sub-Regional Conference on Scaling up Quality Education Provision for Syrian Children and Children in Vulnerable Host Communities, 17-19 June 2014, Amman/Jordan. Cited in: Shuayb, M. Nisrine Makkouk and Suha Tuttunji. (2014) WIDENING ACCESS TO QUALITY EDUCATION FOR SYRIAN REFUGEES: THE ROLE OF PRIVATE AND NGO SECTORS IN LEBANON. Center for Lebanese studies

²⁷² Joint Education Needs Assessment for Syrian Refugee Children: In Schools, Communities and Safe Spaces / Education Working Group/ August 2013 (Draft Version)

²⁷³ *ibid*

²⁷⁴ For further information on the current education provisions for the Syrian refugees in Lebanon, see Shuayb et al. (2014). <http://lebanesestudies.com/wp-content/uploads/2014/09/Widening-Access-to-Quality-Education-for-Syrian-Refugees-the-role-private-and-NGO-sectors-in-Lebanon-.pdf>

circumstances. As one girl explained, a girl “should stay in school and university, but if she is not in school, then it is better to get married.”

The main reasons cited by the girls and mothers interviewed for not continuing education included limited access to public schools; difficulty of joining schools teaching the Lebanese curriculum in the 7th and 8th grades, as science and mathematics are taught in English or French; absence of accredited schools teaching the Syrian curriculum; limited availability of girls only schools; inability to afford the cost; and lack of documents needed to register at schools in Lebanese schools.

A 15-year-old girl who had recently divorced her cousin a few months after their marriage commented: “My brother is strict. He was not like this in Syria. He never interfered. He did not allow me to go to a public school here because it is mixed. He was okay with the nursing courses because the class is all women.” Likewise, a 14-year-old girl engaged to be married in a few months explained: “When I was in Syria I used to go to school. I started grade 9 but could not finish it due to the conflict. When I came to Lebanon I tried to go to school, but there are no schools for the Brevet classes. My younger sister was in school, but now she is not. Had I been in Syria I think I would have stayed in school and maybe gone to university, and studied education. My sister would have become a doctor because she is very clever. Had I been in Syria, I would not have gotten married, because I would still be in school. I wouldn't marry and study, as I prefer to focus on my studies.”

Getting Married

Most of the girls interviewed were married hastily, with engagements lasting as short as a week. In addition, the families' strict traditions and conservative culture prohibited girls from sitting alone with men prior to the marriage. As a result, some brides did not have a chance to get to know their future husbands before marriage. For some girls this short engagement period and lack of prior contact was acceptable given the security and/or economic pressure (as indicated in the quotes above). As one girl noted, “we quickly did the *katb al-ketab* and got married 3 days later... The family was with me. After we did *katb al-ketab* we could spend time together.”

Other girls spoke to their future husbands before they agreed to be engaged. One interviewee described her first interactions with her husband: “He spoke to me over the phone. I do not know where he got the number. I did not know it was him, so I answered the phone and he did not tell me who he was. Then he told me. He said I want to marry you, I said you know where we live you can ask my dad. If he agrees, I will agree. At first I told him, why are you calling me if you hate me, and he said I asked around and they said that you were a good girl. And so we spoke several times and he asked my hand... Before we did the *katb al-ketab* my dad would not allow it, but now we go out for coffee and my dad says nothing... We have been engaged for 2 months and we will get married at the new year.” Another girl relayed a similar experience: “My husband is distantly related to me. He is friends with my paternal uncle and he saw me there. So he asked to talk to me, but I said no. He kept pursuing me and then I felt that he really loves me because he kept following me. So I agreed to talk to him. I told him after a week that he can ask for my hand in marriage. So he did so.”

Internalization of cultural norms means that girls may find lack of direct communication with future spouses and short engagement periods acceptable, particularly given the circumstances of displacement and familial pressures to marry. In addition, as minors who have not reached emotional or physical maturity nor the age of legal consent as defined by international law, the question of whether girls are fully able to provide informed consent to marriage in contexts of family expectations and pressures is a matter for consideration. Such cases point to the complexity of how to ensure girls' full and free consent to marriage.

The Marriage Ceremony

Most of the brides interviewed were married by a local *sheikh* who came to the house to conduct the ceremony. Not all of these clergy were authorized to conduct marriage ceremonies. There were cases where the *sheikh* did not give the married couple an official document, as he was not officially authorized by a court to conduct the ceremony. However, although the ceremony was conducted unofficially it was nonetheless considered legitimate by both families. One bride noted, “Our marriage is not registered and he [the *sheikh*] did not even give us a document. The *sheikh* said he could not because he had no official authorization (*tawkeel*). He said that there was another *sheikh* who is authorized, but my brother was friends with the [unauthorized] Sheikh and he wanted him. You know this is still a sanctified (*halal*) marriage.”

In most instances the father represented his daughter in the ceremony. In some cases, the bride was not present at all during the wedding ceremony and her brother or father conducted the marriage on her behalf. Most of the brides reported that they were not asked to give their consent to the marriage in front of the observing *sheikh*,²⁷⁵ the *sheikh* only required that the father or eldest brother give permission. There was only one case in which the *sheikh* conducting the ceremony asked the bride in front of him if she consented to the marriage. In other cases the *sheikh* sent the father or the brother to ask for the consent of the girl, who was in a different room or in some cases not even present. In one case the *sheikh* refused to conduct a marriage of a 14 year old, saying she was too young. According to the 14-year-old bride: “The *sheikh* came and asked me if I wanted to marry, then when he asked me how old I was, and I said I was 14, he refused to do the ceremony. He said I was too young. So my brother spoke to him and told him that I was not being forced to into marriage and after half an hour of deliberation he asked me again and I said yes, so he signed the papers.”

It should be noted that in Lebanon, the legal age of marriage is 18 for men and 17 for women. However, the law gives Lebanon’s 18 religious denominations the right to follow their own regulations in all matters of personal status, including marriage. According to the Lebanese Sunni court, the predominant sect of Syrian refugees, the legal age of marriage is 12 for boys and 9 for girls. If either spouse is under these ages, then the *sheikh* must ensure that both the bride and the groom show signs of puberty before allowing them to marry. If the bride is under 18, her father is required to give his consent in front of the *sheikh*. The court does not have the right to interfere in the circumstances surrounding a marriage once these requirements are met. The only thing a *sheikh* is required to “ensure” is that both the bride and the groom are acting under free will.

Despite their difficult circumstances, most families insisted that the bride wear a wedding dress (rented or borrowed) and have a small ceremony. One girl commented: “I wore a dress and I rented it from the hairdresser and paid \$100. We did the wedding in our neighbors’ house and the neighbors and the relatives who live here came.” A 16-year-old girl, engaged to be married a few weeks from the time of the interview, who was planning her wedding party said: “I will wear a white dress and we will invite the neighbors. There is a clearing in front of the tent and so we will have the party there. My sister got married a few months ago and I will wear her dress. I will have a ceremony like hers. My fiancé said he will have one like my sister and better, because he wants me to be happy.” A 14-year-old girl described her more modest wedding as follows: “We had a small wedding. I wore my neighbor’s wedding dress and my mum and dad offered some sweets and juice.”

As noted earlier, all the interviewed Syrian girls were married or engaged to Syrian men, and over a third of the husbands/fiancés were cousins to the bride. The dowries requested by the parents were similar to those requested prior to the crisis. The dowry varied from family to family; however, the most common amount was around 300 to 600 USD, paid on the wedding day (*moukaddam*), and a similar amount pledged in case of divorce or death (*mouakkar*). There were cases reported by mothers in which the dowry was between \$2000

²⁷⁵*Sheikh* is an honorary title used for Muslim clergymen.

and \$5000 USD for both *moukadam* and *mouakkar*. In most cases, the bride used the money to buy things for the wedding. Some girls did not know the amount of the dowry (it is customary that the bride does not interfere in deciding the amount of the dowry, which is often determined by the father or the eldest brother.) The fact that the dowry amounts requested were similar to pre-conflict levels suggests that, on the one hand, families did not change their customs as a result of displacement, and on the other hand, grooms' families did not take advantage of the conflict to pressure the bride's family to lower the amount of the dowry.

Marriage Registration

According to the interviewed *sheikh* from the Sunni family court, conducting a new marriage in Lebanon costs 250,000 LL (161 USD). Also according to the *sheikh*, even if the marriage is not registered in Lebanon, in cases of divorce or conflict between the marriage couple, the court can rule and interfere. If a marriage was conducted outside Lebanon and the couple wanted to register the marriage in Lebanon they need to pay a fee of 70,000 LL (approximately 50 USD). There continues to be an issue of clergymen conducting marriages in Lebanon although they are not official clergy registered with the Sunni court.

The majority of brides were planning to register their marriage in Syria; however, the difficulty of going back and forth to Syria had so far prevented them from doing so. Most husbands were not able to travel home. Since women can sometimes move more easily between the two countries than men due to security restrictions by both the Lebanese and Syrian officials, mothers-in-law sometimes attempted to help in registering marriages. Another obstacle to registering marriages was the financial cost in both Lebanon and Syria, which was too expensive for most refugee families to afford. As a result, none of the couples interviewed had succeeded in registering their marriages, and hence their children were also unregistered. However, Lebanese hospitals provide a birth certificate to all children, whether they are registered or not. This document is considered sufficient by UNHCR to register the newborn and make the family eligible to receive support.

According to a community leader from the Kurdish Syrian refugee community, in cases of divorce, even if the marriage is not registered in Lebanon, both the Shiite and Sunni courts acknowledge the marriage, rule on the matter of divorce, and carry out the divorce procedure according to Sharia and the conditions stated in the unofficial marriage contract.

(2) Married Life

Most of the girls interviewed dreamed of returning to Syria with their husbands. Despite having been in Lebanon for 2 years, their hopes and aspirations were still focused on a life in Syria. In the meantime, their primary concerns were poor housing conditions and the lack of stable employment for their husbands.

The majority of the girls interviewed expressed satisfaction with their marriages despite the challenges they faced. One factor was that for some girls, marriage loosened rigid restrictions placed on their mobility and independence. For one of the married girls—whose parents, fearing for her safety, had imposed very strict rules regarding leaving the house—marriage gave her the freedom to move, as her husband did not restrict her mobility. A 16-year-old bride noted, “I was happy because my parents were very strict with me, they would not let me go anywhere.” For another girl, marriage changed the decision-making process: instead of having to seek permission from several members of her family, she now only needs to get the consent of her husband. As one bride commented, “I can now ask for my needs from one person who is my husband, while before I used to ask my mum, or dad or my brothers... I am happy. I do not regret getting married young.”

However, marriage also brought with it many challenges, some of which continued as a result of displacement. For one 14-year-old girl, marriage at this age as a result of displacement and poverty was simply a sad experience. Recently engaged, at the time of the interview, to be married in a couple of weeks, she remarked: “I am not happy because I am getting married. I would rather be in school. Had our financial situation been better I would not have gotten married. We will do *katb al-ketab* in a few days, but we will have the wedding ceremony at the end of the month. I won't have a wedding party, but I will wear a white dress and buy the *jahas*.²⁷⁶ I won't invite anyone. When I was in Syria I used to imagine that I will have a big wedding and invite all my friends and we give out sweets. Here I will not do all that. I will just wear white and move to the other house. I would never marry my daughter at 14; I want her to study and go to school. I did so only because we are in need.”

Reproductive health issues

Marriage at young ages can have significant health implications for both girls and their children. Almost all of the interviewed brides stated that they did not have any sex education until one or two days prior to the wedding day. Their mothers, female cousins, or close female relatives informed them what to expect upon marriage. One girl noted that when her aunt broached the subject with her she “asked many questions.” The majority had great anxiety prior to the wedding. The mothers of young brides stated that they too had been informed about sex only a day or two prior to their wedding, and expressed the opinion that school was probably a better place to learn about such matters. Nonetheless, almost all of the interviewed girls stated that they would not have wanted to know about this issue prior to marriage, as they were embarrassed and did not feel comfortable talking about it with their mothers. Likewise, most girls planned to discuss sexual health with their daughters in the same fashion: with little detail, just before their wedding night.

The majority of girls interviewed preferred to have a baby in the first year of marriage in order to ensure they were able to conceive children. However, their lack of sex education resulted in concerns regarding pregnancy and delivery, as the girls were not well prepared and did not know much about these matters. They were worried about the high risks of complications during delivery. Moreover, almost none of the interviewed brides knew about contraception and family planning. None of them had tried any means of contraception until they had their first-born. After that they learned from a sister-in-laws or other female relatives about family planning methods. None had access to any contraceptive methods other than natural ones.

Three of the girls interviewed had children, and one was in her fourth month of pregnancy. All had had access to a doctor and hospitalization while pregnant. However, they had to pay to see the doctor and to buy medicine, including pregnancy vitamins. At times they had access to free medicine, but this depended on the supplies of the dispensaries available in their communities or villages, which were often supported by different NGOs and UN agencies. Some of the interviewees said they used herbal remedies, as they could not afford the fees and the cost of transport to the dispensary, let alone the medicine. Others would obtain urgently needed medicine from Syria, asking a taxi driver to buy it for them.

One 17-year-old girl described the health services in the Bekka: “If we are sick we go to the CARETAS dispensary, but it is a bit far. Many people, us too, go for remedies because we cannot even afford the car trip to the dispensary. They give us the medication if they have it, or else we have to buy it. Medicine is expensive here, not like Syria. We know of many families who go to Syria if they need to go to hospitals. Our neighbor asks a taxi driver to bring her her medicine from Syria and she pays him. It is cheaper this way.” The health specialist, who noted that due to financial restrictions mothers only bring their children to see a doctor in extremely critical conditions, further supported this. “They only take the child to

²⁷⁶ Special lingerie or new clothes worn in the period following the wedding.

the doctor if it is a matter of life and death. You know we charge them 3000LL [equivalent to \$2] and they can't pay that. At times we don't even charge. But they worry about the cost of transportation and medication. In some cases they are ignorant; they just do not go to the doctor. Some, even if we tell them we will take them, they still find a reason not to go. There is ignorance.”

UNHCR covers 75 per cent of the hospital's cost of delivery, but women have to cover the remaining cost, which is typically not less than \$300 USD. One girl informed us that she almost delivered in front of a hospital that refused to admit her if they she did not cover the full cost. In the end, they went to a hospital where UNHCR covers 75 per cent of the cost. “The first hospital I went to did not let me in. I nearly delivered outside the hospital; this is because I am Syrian. They wanted us to pay the entire amount in advance. Then we went to another hospital and they let us in. I delivered the moment I arrived.”

One mother living in Bekka who had married her daughter off at age 14 was pregnant herself. However, her fetus died inside her, and she could not afford to have the operation to remove the dead fetus. “I saw a gynecologist in the dispensary. I went to the hospital because I needed to remove my baby, as he is dead, but they asked for \$5000 and I can't pay that, so the dead fetus is still inside me. The fetus has been dead for 3 months but he is still inside... The doctor said it will poison me, but what can I do? I don't have \$5000. So I have to leave him in. The fetus died when he was 2.5 months and now I am in my 5th month of pregnancy.”

A Syrian specialist, a qualified gynecologist who was not allowed to practice in Lebanon, and who was therefore working with an NGO as a health advisor, reported several cases of women delivering in tents as they could not afford the cost of the hospital. She explained, “Many of them want to deliver in the make shift tents, but I advise them against it. They go there because they only pay \$100 for the midwife if there is one.” Some brides who had heard of such incidents confirmed this, but had all delivered their babies in the hospital.

The health specialist, who had seen many brides under 18 years old, was especially concerned about malnutrition among young, married women and the fact that most of those who visited her clinic were extremely young, often only 14 years old. She commented, “Most of the cases that I see have anemia because their bodies are still maturing and growing. Most are anemic because they can't afford to buy the supplements and the food they eat is unhealthy. At one time an NGO gave out iron tablets, folic acid, and vitamins but if they are not for free the mothers do not buy them. The young brides get more vaginal infections because their bodies are still small. They are still babies! I always wonder how they tolerate it. They tell me this is normal. You know they are brought up to understand that they will get married early. Parents tell the girls, you will soon get married it is better than staying at home and doing nothing.” According to this specialist, it is unusual to see a new bride over 18 years old. She noted that most of them age quickly, because they do not have adequate health support or nutrients between pregnancies, and they have children at a very young age when their own bodies are still growing and developing. She said, “You will not see the effects of early marriage and motherhood at this stage, but they will show up later, because the body is still immature. [When they are older] the implications show in bones, teeth, and fatigue.”

Domestic Violence

None of the brides interviewed reported experiencing domestic violence themselves, although they were familiar with incidents of domestic violence taking place in their community. However, many of the mothers interviewed reported experiencing domestic violence. They excused their husbands, expressing understanding of the pressure their husbands are currently suffering from. Both the brides and their mothers thought a husband has the right to shout and hit his wife if she does not fulfill her household or marital duties. Almost none of the women were aware of any NGOs dealing with domestic violence. They also said they would not dare to seek help, because they feared losing their children. One woman stated that she

had a friend who was abused by her husband, who also drank and squandered his money. The woman went to a dispensary where a psychologist was available; the psychologist listened to her but “she did nothing to [help] her. Nothing happened.” In the end, the neighbors helped the woman escape from her abusive husband.

Domestic violence was not only perpetrated by husbands, but was also inflicted on women by fathers, brothers, mothers, and in some cases parents-in-law. One woman said that her father-in-law hits her even in front of her husband, and her husband does nothing about it. The health specialist also noted that some women who come to see her have bruises. Sometimes the women talk about their husbands hitting them, but they seem to accept it and do not consider doing anything about it. Children also report being hit by their mothers and female family members. However, according to the health specialist, the emotional suffering these girls experience is greater than the physical pain they suffer. The specialist noted that the women complain bitterly about the dire conditions they are living in.

Housing

Poor housing facilities that required sharing accommodation with extended family presented significant difficulties. The housing conditions of most Syrian refugee girls prior to the marriage were already dire. For most of them, these conditions did not improve after marriage, as many of them had to share accommodation with their husbands’ families, living in poor conditions in small, shared houses with in-laws and/or extended families. One girl commented, “the house has this room which we stay in, another room for my in laws, and the small children sleep in the kitchen. The other two brothers sleep in a garage-like room intended for storage outside the house.” Such living arrangements are reflective of the situations of the majority of Syrian refugee girls and women in Jordan as well, who also live with large, extended families, some reporting up to 20 people in their household. According to UN Women data, roughly 30 per cent share a dwelling with multiple families.²⁷⁷

Housing conditions put an additional strain on some newly married couples, particularly when their in-laws interfered in their lives. This was the case with one girl married at age 14 and divorced after 5 months of marriage. According to her, the main cause of divorce was her mother-in-law’s interference and ill treatment of her. She noted: “At first when we went to his place it was good, but after three days his mum wanted me to work like a maid. She sat down and gave me orders. On top of that she did not like what I did. She complained that I did not work well.” In contrast, another young bride had a very positive relationship with her in-laws and was happy living with them, as opposed to living with her own family, who did not treat her well.

Another bride complained about sharing the house and her husband’s earnings, as well as her in-laws role in decision-making. She remarked: “I want my place. This is a small room and humid. I can't go out without a scarf. I do not like it that my husband gives his wages to his father. I need to buy things and I don't feel comfortable asking him for money. I tell my husband, and he tells his mother and then she asks her husband for the money and my mother-in-law gives it to me. I try not to spend it all and put a little on the side for my personal use. My in-laws always interfere and they want me to work more in the house, but it is a small house and the work is done quickly.”

(D) Concluding analysis

Conflict and displacement seem to have played a definitive role in influencing refugee families to marry off their underage daughters and influencing the girls to accept these marriages. Enduring displacement, poverty, and a hostile and unsafe environment, families of

²⁷⁷ UNWOMEN (2013). *Gender-Based Violence and Child Protection among Syrian Refugees in Jordan, with a Focus on Early Marriage*. Amman, Jordan: UNICEF, July. p. 18.

all girls interviewed for this study struggled to secure food, housing, and other basic necessities while trying to keep their families safe. Especially in cases where the father was ill or had passed away and financial need was great, marriage was perceived as a way to ensure the safety and economic welfare of both girls and their families.

Parents also feared for their daughters' reputation and safety in the displacement context. They were keen to marry off their daughters to stop men from knocking on their doors to propose—a common occurrence at the homes of unmarried girls—fearing that these visits might give them and their daughters a bad reputation in the community. To ensure the safety of their daughters, families preferred to marry girls to extended family members such as cousins—a practice common in Syria prior to the conflict, but which became more frequent among refugee families in Lebanon. Syrian parents were decidedly opposed to marrying their daughters to Lebanese men, as they were suspicious of their intentions and concerned that they might take advantage of families' vulnerability.

Overall, early marriage in the displacement context seems to represent an exacerbation, rather than a dramatic alteration, of existing cultural practices in Syria. According to the majority of interviewed mothers, child marriage was common in Syria prior to the crisis; the majority of adult women interviewed also believed that the most appropriate marriage age for girls was 16–18, although variations were generally noted depending on the demographic profile of refugees. Past this age, mothers felt that girls risked becoming too old to receive marriage proposals. These cultural values made it easier for parents to justify lowering the age of marriage yet further for their daughters when the challenges of displacement seemed to require it.

Meanwhile, in a situation where educational and employment opportunities were scarce or nonexistent, where security was tenuous, and where the prospect of a better future seemed distant at best, refugee girls themselves often saw child marriage as the only way to improve their circumstances. In Syria, the girls had expected to delay marriage until they finished their baccalaureate studies at the age of 18. Indeed, before displacement forced them to drop out of school, 10 out of the 12 girls interviewed had been planning to continue their education. However, both mothers and daughters felt that while girls continuing their education could justify delaying marriage, girls who were not in school should be married. Since all of the girls interviewed had been out of school since they fleeing Syria, with no prospect of continuing their education, both girls and their families perceived marriage at a young age as not only the only viable option, but also an appropriate and acceptable decision. As a result of their decisions, the majority of interviewed brides will have a lower educational attainment level than that of their parents—a fact with ramifications for the wellbeing and prospects of subsequent generations.

Field research conducted as part of a UN-Women project on child marriage and GBV among Syrian refugees in Jordan found that child marriage is also a common experience for Syrian girls in Jordan, with 51.3 per cent of study participants married before 18. The research showed that marrying young was identified as a part of respondents' culture, with the majority of respondents not feeling that there were any potential negative consequences of child marriage. However, while most of the Syrian refugee girls in Jordan had married prior to their arrival in Jordan, it is to be noted that within the refugee context, respondents in this specific study expressed a preference for marrying Jordanians, as they felt that marrying a Syrian would not provide them with full legal protection in Jordan. Displacement also affected marriage trends, in that girls tended to marry men who were much older than the men they would have married in Syria.²⁷⁸ Differences between refugee experiences and practices

²⁷⁸ UNWOMEN (2013). *Gender-Based Violence and Child Protection among Syrian Refugees in Jordan, with a Focus on Early Marriage*.

in Lebanon and in Jordan may reflect demographic differences between Syrian refugee populations in each of these host countries.

While the majority of the girls married under age 18 stated that marriage provided them with safety and security, marriage posed both immediate and long-term health concerns, including the need for emotional support and psychological health services. The conditions of their married lives were difficult, with the majority needing to share small and inadequate accommodations with their in-laws or extended family members. While none of the interviewed brides reported experiencing domestic violence from their husbands, they all knew of relatives or neighbors who had suffered abuse at the hands of husbands, fathers, older brothers, and sometimes mothers and mother-in-laws. Some of the girls had been married hastily without having a chance to get to know their husbands. None had had any prior sex education until just before the wedding, and were anxious about fulfilling their marital roles.

The interviewed mothers noted that girls married at such a young age need education on childbirth, natal and newborn care, and parenting. The interviewed health specialist similarly stated that underage brides need education as well as health care and nutritional support. However, the majority of the girls interviewed were not receiving any form of support from either NGOs or their families. They had no family planning education, nor did they have access to any form of education that would allow them to improve their living circumstances and better care for their families. The girls found the costs of health care, even when subsidized, and of medicine difficult to meet.

The mothers interviewed in this study suggested that underage brides need extensive support, including psychological support, in order to deal with the myriad pressures they face. One mother commented: “They need a psychologist to talk to because they are emotionally insecure.” UN Women likewise found that among Syrian refugee women in Jordan, “the limited availability of safe spaces where women can meet psychosocial service providers, spend time with other women, and let their children play in a protected environment remains a barrier to meeting the psychosocial support needs of women and children. As a result, female participant often reported feeling disoriented, stressed, and isolated.”²⁷⁹

In displacement contexts, humanitarian organizations tend to focus on meeting the basic needs of populations in grave need of such essentials as food, water, and shelter. However, protecting girls and women, including protecting them from child marriage and helping them to cope with the consequences of such marriage, should also be a priority in these settings. This is particularly true given the increased vulnerability of girls in such settings, the lack of accountability, and the lack of access to recourse for human rights violations. Providing health, educational, and psychological services and support to underage refugee brides can help alleviate some of the consequences of child marriage. It is equally important, however, to put into place preventive measures to combat the factors leading to child marriage. Creating opportunities for girls to continue their education is one way to help these girls avoid underage marriage. It should be noted that any attempt to provide support to these girls requires strong relationships with the local community to ensure that families feel secure if their daughters decide to take advantage of support services. In addition, promoting social cohesion among the host and refugee communities would help to ease Syrian families’ feelings of vulnerability and insecurity in Lebanon.

²⁷⁹ UNWOMEN (2013). *Gender-Based Violence and Child Protection among Syrian Refugees in Jordan, with a Focus on Early Marriage*. Amman, Jordan: UNICEF, July. p. 27

Chapter 5: **Child Marriage – At What Cost?**

The most overarching impact of child marriage lies in the practice's violations of the basic rights of the child. As referenced in the Convention on the Rights of the Child, children are guaranteed certain individual rights. Underage marriage deprives them of these rights, and in the process, undermines their potential at every level: whether social, economic, physical, developmental, or emotional. It has been well documented that child marriage poses a myriad of significant risks,²⁸⁰ with implications in the short, medium, and long term for girls, their families, and their country's national development. Child marriage affects educational attainment, literacy, socioeconomic development and opportunities, poverty, maternal mortality and morbidity, mental health, and gender-based and domestic violence. In countries with high rates of child marriage, complications related to pregnancy and childbirth are the main cause of death among girls 15 to 19 years old.²⁸¹ Child marriage threatens the health not only of girls, but also of the children they bear. It robs children of their childhoods and of their futures, rendering them socially, physically, and economically vulnerable. It may also increase the risk of divorce, with accentuated consequences for girls divorced as children.

It has been argued earlier in this study that situations of insecurity and displacement increase the likelihood of child marriage and exacerbate its implications. In the Arab region, which faces particular challenges in ensuring the social, economic and political rights of girls and women, and is experiencing grave conditions of conflict and post-conflict, the consequences of the practice are of particular importance. Accordingly, this chapter brings the final focus of the study to a discussion of the overall implications and consequences of child marriage. It is hoped that a better understanding of these issues will support national, regional and international efforts towards putting into place more effective policies, programs and services supporting girls and their families in all development, conflict, and reconstruction settings.

(A) Educational attainment and literacy

It has already been advanced in the earlier chapters that education—or its lack—is intimately linked to child marriage, whether as a preventative measure or as a consequence. Level of educational attainment is one of the strongest predictors of child marriage. It is estimated that girls who have no education are three times more likely to marry before 18 than those who complete secondary school.²⁸² Conversely, dropping out of school is one of the most common and immediate consequences of child marriage.

The Arab region as a whole has a high level of educational attainment. In 2011, the region achieved net primary enrollment rates of 92 per cent and gross secondary enrolment rates of 70 per cent.²⁸³ Gender equity in education is also quite high in most countries, with almost all countries in the region having gender parity ratios in primary level enrolment above 0.9. However, large disparities exist between countries, and those with low enrollment rates and low gender parity indices (GPIs) are often those in conflict. Somalia, for example, has one of the lowest rates of school enrollment in the world, with a net primary school enrollment rate

²⁸⁰ UNFPA (2012). "Malagasy Women Wounded by Child Marriage and its Aftermath." 10 October, available at <http://www.unfpa.org/public/op/edit/home/news/pid/12347>.

²⁸¹ UNFPA (2012). "From Childhood to Womanhood: Meeting the Sexual and Reproductive Health Needs of Adolescent Girls." Factsheet, UNFPA, 5 July. Available at: <https://www.unfpa.org/sites/default/files/resource-pdf/EN-SRH%20fact%20sheet-Adolescent.pdf>

²⁸² UNFPA (2012). *Marrying Too Young: End Child Marriage*. . 34. Available at <http://www.unfpa.org/sites/default/files/pub-pdf/MarryingTooYoung.pdf>

²⁸³ UNESCO (2012). *Education for All Regional Report 2012 – Regional Report*. P 7-8 http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/ED/ED_new/pdf/ARB_EN.pdf.

of around 23 percent in 2010. Likewise, countries with high rates of child marriage are those that perform the worst in gender parity in both primary and secondary education: for instance, Somalia in 2007 (0.55 GPI in primary and 0.46 GPI in secondary), Yemen in 2013 (0.84 GPI in primary, 0.69 GPI in secondary), Iraq in 2007 (0.84 in Primary and 0.75 in secondary), and Sudan in 2012 (0.89 in primary and 0.91 in secondary).²⁸⁴

Even in countries that seemed in recent years to be on track to achieve the targets of MDGs 2 and 3, available statistics suggest that child marriage is still an almost certain predictor of dropping out of school. In Egypt, a study conducted by Plan International revealed that child marriage was cited as the primary reason for girls dropping out of school. Similarly, child marriage of school-aged girls was considered to be the main barrier to achieving MDGs 2 and 3 in rural communities.²⁸⁵

The risk of halted education is exacerbated in humanitarian settings. Access to education dramatically decreases in contexts of insecurity, as there is both more risk and less incentive to pursue education. Attending school can be expensive and dangerous, or there may be no readily available schools. The quality of education may decline, with the result that families may perceive fewer rewards for sending their children to school, given limited economic opportunities and an uncertain future. The risk of dropping out of school due to a humanitarian crisis is especially high for young girls, who may generally be less favored by families to attend school than boys.

This phenomenon can be seen quite clearly amongst Syrian refugees. Whereas primary school enrollment rates in Syria were at 95 per cent before the conflict, in January 2014 it was estimated that less than 50 per cent of school aged Syrian refugees are enrolled in primary school in Jordan, and less than 30 per cent are enrolled in primary school in Lebanon.^{286 287} Students that do enroll in school in the refugee setting often have to repeat multiple grades due to differences between curricula. Children that stay in Syria face similar difficulties accessing education: roughly one in five schools are no longer functioning, 2,400 have been damaged, and 1,500 have been converted into refugee shelters, military bases, or detention centers. Where schools are still functioning, some children are unable to reach them due to daily violence, or have been deterred from attending out of fear of interrogation, kidnapping, or attacks. Many observers have reflected on the tragedy of a “lost generation” of Syrian children who, without an education, will be vulnerable to radicalism and violence and ill equipped to rebuild their country when the war is over.²⁸⁸

Despite the clear linkage between child marriage and education, however, it is at the same time difficult to prove a causal relationship between getting married and halting education. Those who are married at a young age may already be at risk of dropping out of school due to poverty, poor performance in school, or lack of quality education. This is especially so in humanitarian settings, where poverty and insecurity are heightened, the availability and quality of schooling drops, and young girls are not favored to continue their education. While the end result of dropping out of school may be marriage, there may be numerous other factors involved in the decision to stop schooling.

²⁸⁴ UNSD MDG Indicators (2015). Gender Parity Index in primary level enrolment Accessed at <http://mdgs.un.org/unsd/mdg/SeriesDetail.aspx?srid=611&crid=> and Gender Parity Index in secondary level enrolment accessed at <http://mdgs.un.org/unsd/mdg/SeriesDetail.aspx?srid=613&crid=>.

²⁸⁵ Plan International (2011). *Breaking Vows: Early and Forced Marriage and Girls' Education*. “Because I Am A Girl” Campaign, London: Plan International. , p. 10. Available at <http://www.plan-uk.org/resources/documents/Breaking-Vows-Early-and-Forced-Marriage-and-Girls-Education/>

²⁸⁶ UNICEF (2013). *Syria's Children: A Lost Generation?* Amman: UNICEF. p. 65 Available at <http://unhcr.org/jordan2014urbanreport/home-visit-report.pdf>

²⁸⁷ UNHCR (2014). *UNHCR Lebanon Education Update, January 2014*. Beirut: UNHCR. 2014 p. 1. Beirut: UNHCR.

²⁸⁸ ESCWA (2013). *The Promises of Spring: Citizenship and Civic Engagement in Democratic Transitions*, p. 19. ESCWA., Beirut: ESCWA. P. 19.

This does not negate the fact, however, of the important link between child marriage and education. And indeed, it is extremely rare for a young married girl to continue her education. Moreover, the ripple effects of young girls dropping out of school are many. Girls who complete less education are shown to have worse health outcomes, a higher risk of domestic violence, and lower economic participation.²⁸⁹ Halted education, therefore, is only the first in a series of grave consequences of child marriage.

(B) Poverty and economic opportunities

Analysis in earlier chapters of this study indicated that poverty is one of the main drivers of child marriage, with an increasing number of child marriages taking place amongst the poorest of the poor. In sub-Saharan Africa, the practice of child marriage is twice as common among the lower 40th income percentile as in the richest 20 per cent.²⁹⁰ The same trend can be seen in the Arab region. Countries such as Yemen and Somalia are the poorest in the region, and as discussed in Chapter 2 and 3, also have the highest rates of child marriage. At the same time, child marriage further reinforces the cycle of poverty. Girls who marry young are less educated, which causes them to have fewer economic opportunities and greatly increases the likelihood that they will remain poor. Indeed, dropping out of school is the first danger of beginning a life with limited economic opportunities. One additional year of secondary schooling boosts girls' earning potential by 15-25 per cent.²⁹¹

In the Arab region, where female economic participation rates are among the lowest in the world, averaging at 23 per cent in 2013,²⁹² child marriage is an almost certain predictor of a life at home with no participation in income-generating activities. A woman's ability to work outside of the house is often dictated by her husband or family, especially when the girl is young and has less of a voice in household affairs. A World Bank survey found that in Morocco 30.6 per cent of young women stated that they were unwilling or unable to work because their husbands did not allow it.²⁹³ A survey conducted by the UN in 2013 in Iraq reveals that 37 per cent of men believe they have the right to prevent their wives from getting an education, 40 per cent believe they have the right to prevent their wives from participating in politics, and 47 per cent believe they have the right to prevent their wives from working outside the home.²⁹⁴ In Yemen, where rates of child marriage are some of the highest in the region, female participation in non-agricultural employment is lowest in the region, at 11.7 per cent.²⁹⁵ Figures for 2012 indicate that only 1 per cent of child brides in Jordan were employed during the time of their marriage, while approximately 93 to 99 per cent of their husbands were employed.²⁹⁶

(C) Maternal mortality and morbidity

Early marriage often leads to early pregnancies, with young girls expected to prove their fertility soon after getting married. Of the 16 million adolescent girls who give birth every year, about 90 per cent are already married. According to the WHO, complications from

²⁸⁹ UNFPA, 'Promoting Gender Equality' <http://www.unfpa.org/gender/empowerment2.htm>

²⁹⁰ *International Center for Research on Women (2005). Too Young to Wed: Education & Action towards Ending Child Marriage: Seeking Policy Solutions. Washington DC: ICRW.*

²⁹¹ Girls Not Brides, *Impact of Child Marriage*. Accessed at <http://www.girlsnotbrides.org/themes/education/>

²⁹² The World Bank Database, Labor force participation rate, female (% of female population ages 15+) (modeled ILO estimate), Available at <http://data.worldbank.org/indicator/SL.TLF.CACT.FE.ZS/countries/1W-1A?display=graph>

²⁹³ World Bank "Kingdom of Morocco: Promoting Youth Opportunities and Participation" (2012) P. 22 *Washington, DC. © World Bank. <https://openknowledge.worldbank.org/handle/10986/1190> License: CC BY 3.0 Unported.*"

²⁹⁴ UN Iraq (March, 2013). Women in Iraq Factsheet. P. 3 Available at <http://www.iau-iraq.org/documents/1864/Woman-Factsheet.pdf>

²⁹⁵ UNSD MDG Indicators (2014). Yemen- Share of women in wage employment in the non-agricultural sector Accessed at <http://mdgs.un.org/unsd/mdg/SeriesDetail.aspx?srid=722&crid=887> UNSD MDG Indicators (2014).

²⁹⁶ UNICEF (2014). *A Study on Early Marriage in Jordan 2014*. Amman, Jordan: UNICEF P. 17

pregnancy and childbirth are the leading causes of death for girls aged 15-19 years in developing countries. Girls aged 15-19 are twice as likely to die during pregnancy or childbirth as a woman aged 20-24, and those under age 15 are five times more likely to die.²⁹⁷ For every woman that dies during pregnancy or childbirth, another twenty to thirty are estimated to sustain life-long, debilitating injuries. These complications, such as uterine prolapse or obstetric fistula, affect a woman's physical, mental, and sexual health and often reduce their ability to function, whether physically or as a member of society. Such consequences ultimately affect their social and economic status.²⁹⁸ Similar to the increased risk young girls face of dying during pregnancy or childbirth, young married girls also confront a higher risk of various morbidities. Teenage girls are, in addition, more susceptible than more mature women to spontaneous abortions and sexually transmitted infections (STIs), including HIV.²⁹⁹

Biological, social, and economic factors all contribute to the increased risk of maternal mortality and morbidity for young girls. Younger women have less-developed reproductive organs and face a greater risk of obstructed labor, a leading cause of maternal mortality and certain morbidities. Biological factors such as hormonal fluctuations and the permeability of vaginal tissue increase young girls' susceptibility to STIs. Young girls may be less likely to seek out health services during pregnancy or childbirth, or may have less of a say over crucial health decisions such as family planning, antenatal care, and giving birth with the aid of a skilled health attendant. Lack of education limits young women's knowledge about health, nutrition, birth spacing, and contraception.³⁰⁰ A Save the Children Report found that only 17 per cent of sexually active people under 18 utilize family planning and sexual protection methods.³⁰¹

While indicators for maternal health in the Arab region are generally quite promising, showing low levels of maternal mortality and adolescent fertility, and high contraceptive prevalence rates, girls who marry young are still at risk. In Egypt, for example, 53 per cent of girls married before age 15 had at least 4 medical visits during their pregnancy, while 78 per cent of girls married at age 18 or older had at least 4 medical visits during their pregnancy.³⁰² A study in Saudi Arabia found that women who were married before the age of 16 were twice as likely to experience spontaneous abortions, had quadruple the risk of infant mortality, and were at double the risk of losing a pregnancy during their childbearing years.³⁰³

Table 13 shows that countries with high rates of child marriage, specifically Yemen, Sudan, Mauritania and Somalia, have correspondingly high rates of maternal mortality. In the countries with the highest rates of child marriage, indicators of maternal health are the worst. Somalia's maternal mortality rate of 1,000 deaths per 100,000 births is one of the highest rates of maternal mortality in the world. In Somalia, one in twelve women die as a result of pregnancy or childbirth. Only 9 per cent of Somali women give birth with a skilled health attendant, and only 3 per cent of adolescents have a comprehensive knowledge of HIV/AIDS.³⁰⁴

²⁹⁷ WHO (2014). *Adolescent Pregnancy Factsheet*. N°364. Accessed at <http://www.who.int/mediacentre/factsheets/fs364/en/>

²⁹⁸ WHO (2013). *Measuring maternal health: focus on maternal morbidity* <http://www.who.int/bulletin/volumes/91/10/13-117564/en/>

²⁹⁹ UNICEF (2007). "Early Marriage: Child Spouses." *Innocenti Digest*, No. 7, March. Rome: UNICEF Innocenti Research Center, p. 10.

³⁰⁰ WHO (2008). "MPS Notes: Adolescent Pregnancy" Accessed at http://www.who.int/maternal_child_adolescent/documents/mpsnnotes_2_lr.pdf on 1 October 2014

³⁰¹ Save the Children (2004). "State of the World's Mothers: Children Having Children, 2004." Sweden: Save the Children, p. 13.

³⁰² UNICEF (2014). "Ending Child Marriage: Progress and Prospects." UNICEF, July. p. 4.

³⁰³ Shawky, Sherine and Waleed A. Milaat (2000). "Early Teenage Marriage and Pregnancy Outcome." *Eastern Mediterranean Health Journal* 6:1, p. 46.

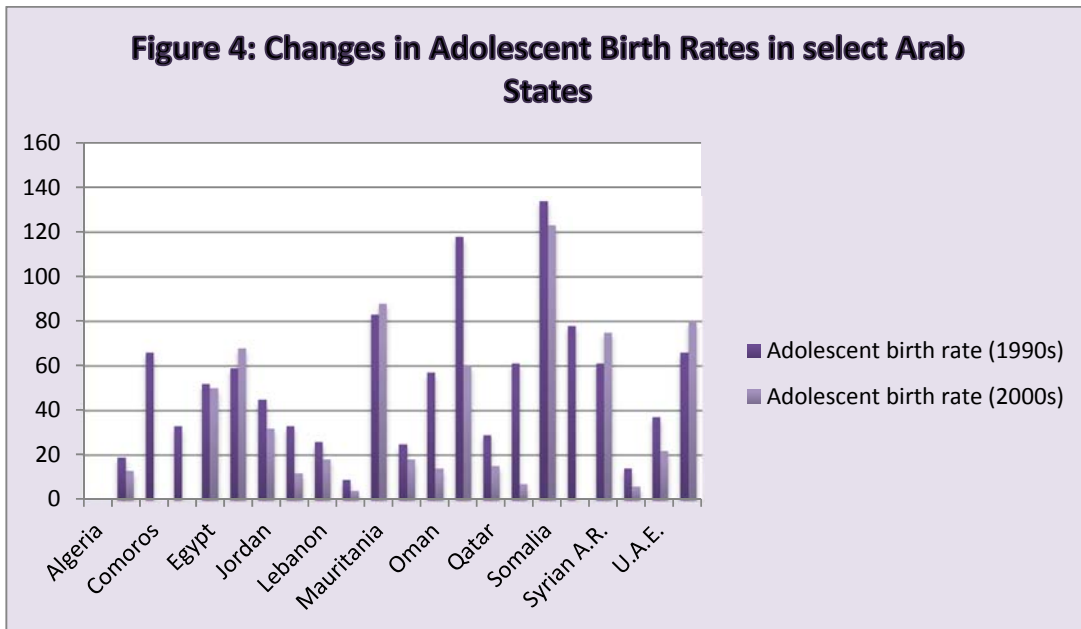
³⁰⁴ UNICEF statistics: http://www.unicef.org/infobycountry/somalia_statistics.html

Table 13: Maternal mortality ratio (2010) and child marriage (2002-2012) in select countries		
Country	Maternal mortality ratio, adjusted (2010)	Child marriage rates, per cent (2002-2012)
Lebanon	25	6.1
Tunisia	56	1.6
Iraq	63	24.3
Palestine	64	20.6
Egypt	66	16.6
Syrian Arab Republic	70	13.3
Algeria	97	1.8
Morocco	100	15.9
Djibouti	200	5.4
Yemen	200	32.3
Sudan	216	32.9
Mauritania	510	34.3
Somalia	1000	45.3

Source: UNICEF (http://www.unicef.org/statistics/index_countrystats.html)

In addition, as the situation in Somalia, Sudan, and Yemen shows, countries with humanitarian situations are markedly different from countries that are not in conflict. Countries in conflict have consistently higher rates of maternal mortality. Indeed, all but one of the ten countries with the highest rates of maternal mortality are experiencing conflict or post-conflict.³⁰⁵ Young mothers in humanitarian settings face an even higher risk of dying during pregnancy or childbirth than they do elsewhere. In addition, access to health services for women is dramatically affected in humanitarian settings, and young girls in such settings have even less ability to seek out prenatal healthcare, deliver with a skilled health attendant, or access contraceptives.

³⁰⁵ Countries with the highest maternal mortality rates in 2013: Chad (1 in 15), Somalia (1 in 18), Sierra Leone (1 in 21), Burundi (1 in 22), Democratic Republic of the Congo (1 in 23), Central African Republic (1 in 27), Liberia (1 in 31), Nigeria (1 in 31), Guinea-Bissau (1 in 36), Sudan (1 in 60)



Source: ICPD Beyond 2014 (2012).

Conflict and insecurity affect agriculture, food production, and ability to access food sources. In such settings, pregnant and nursing mothers, who require more calories and nutrients, face additional risks of malnutrition. Young girls who do not get adequate iron, vitamin A or folic acid are at an increased risk of anemia, a leading cause of maternal death, and of delivering under-weight babies.³⁰⁶

(D) Mental health

Child marriage not only affects young girls’ physical health, but their mental health as well, with significant implications for their development. Girls who marry young often drop out of school and move away from their family. They may no longer socialize with young girls their age because they are expected to spend the bulk of their time performing household duties. While it is extremely difficult to quantify the psychological impacts of child marriage, empirical evidence shows that the practice often leads to feelings of isolation and depression. The increased risk of domestic violence in child marriage settings has powerful implications for mental health. Situations where girls are forced to marry their rapists, as is known to occur in Somalia, Sudan and Yemen, result in double trauma for the victim and may lead to life-long psychosocial disorders. In addition, girls who marry as children are unlikely to seek mental health services (if these exist), perhaps because they do not have the decision-making power to access health services. Indeed, a WHO study found that women in Somalia, although at significant risk of certain mental health disorders, are unlikely to seek out mental health care.³⁰⁷

Mental health is also profoundly affected by conflict and insecurity. WHO estimates that 10 per cent of people who experience traumatic events will have serious mental health problems, and another 10 per cent will develop behavior that will hinder their ability to function effectively in society, with depression, anxiety, and psychosomatic problems such as insomnia or back and stomach aches being the most common conditions.³⁰⁸ Because girls

³⁰⁶ Human Rights Watch (2011). “How Come You Allow Little Girls to Get Married?”: *Child Marriage in Yemen*. Washington DC: Human Rights Watch. p. 29

³⁰⁷ WHO (2010). *A situation analysis of mental health in Somalia*. Geneva: WHO. P. 21

³⁰⁸ WHO (2001). *World health report 2001 - Mental health: new understanding, new hope*. Geneva: WHO.

married as children face an increased risk of isolation and multiple forms of violence, they are particularly vulnerable to the mental health conditions that may result from humanitarian settings. Although data is scarce, some studies have shown that the Arab region has a high prevalence of mental health conditions, mainly depression, anxiety, and post-traumatic stress disorder. WHO estimates that in the Arab region 12.1 per cent of all disability-adjusted life years (DALYs) lost due to disease and injury are from mental, neurological, and substance use disorders.³⁰⁹

(E) Gender-based violence

Because child marriage results in lower levels of education, higher rates of illiteracy, less economic autonomy, and psychological trauma, it severely undermines the decision making power of girls. These factors also contribute to a significantly heightened risk of domestic abuse. A 2006 WHO multi-country survey on violence against women found that girls who married between 15 and 19 were more likely to experience domestic violence (including marital rape) than were older married women.³¹⁰ According to the Center for Global Development, girls under 15 are the victims of roughly 50 per cent of the recorded sexual assaults worldwide.³¹¹

Gender-based violence is a pressing issue in the Arab region. Although data is limited, studies have shown the phenomenon to be common, with limited policies and legislation available to prevent domestic violence or provide services for victims. While some countries in the region do have progressive laws and services to address GBV, views on domestic violence held by both women and men may limit their effectiveness. As noted in the previous chapter, both adult Syrian refugee women who have suffered domestic violence themselves and underage brides who had witnessed domestic violence perpetrated on another woman felt that such violence could be justified.

A 2011 study by ESCWA analyzed the prevalence of domestic violence in several Arab countries, highlighting key aspects of domestic violence specific to the region. The study found that educational level is a strong predictor of violence, with young, uneducated women facing a heightened risk. In Algeria, women with low education who were not in paid employment were particularly vulnerable to domestic violence. In Jordan, women with no education or only elementary level education were twice as likely to be subject to violence as those with a secondary or higher education.³¹² Economic status is another strong indicator of a woman's risk of domestic violence. A study conducted in Egypt by the Population Reference Bureau found that women in the poorest one-fifth of households are twice as likely as those in the highest wealth quintile to have experienced spousal violence in the past year.³¹³

These statistics also suggest that the age of a girl when she marries is a strong predictor of domestic and gender-based violence. As discussed, girls who marry young have less education and fewer economic opportunities, making them particularly vulnerable to violence. In Egypt, 40 per cent of girls married before age 19 have experienced spousal violence, versus 31 per cent of those married between 20 and 24, and 25 per cent of those married at age 25 or older.³¹⁴ Countries in the Arab region with the highest rates of child marriage also have worrying statistics of domestic violence. An official survey conducted in Yemen in 2002 revealed that 17.3 per cent of Yemeni women had experienced sexual violence, 54 per cent had experienced physical abuse and 50 per cent had received verbal

³⁰⁹ WHO (2012): *Regional strategy on mental health and substance abuse*. Cairo: WHO EMRO. p. 3

³¹⁰ WHO (2005). *Multi-country study on women's health and domestic violence against women*. Geneva: WHO.

³¹¹ Center for Global Development (2008). *Girls count: A Global Investment and Action Agenda, A Girls Count Report on Adolescent Girls*, p. 2

³¹² ESCWA (2013). *Combating domestic violence against women and girls: Policies to empower women in the Arab region*. Beirut: United Nations. p. 3

³¹³ Population Reference Bureau (2010). "Spousal Violence in Egypt" Policy Brief. Washington DC: PRB.

³¹⁴ Ibid. P. 3

threats.³¹⁵ Child marriage often results in larger families, another factor that is correlated with domestic conflict. According to a report on violence against children in Yemen, conflicts between children and parents are eight times more likely if a family is larger than 8 people than if a family has only 3 members.³¹⁶

There is often a heightened risk of violence for women and girls in humanitarian settings. Girls, especially those who are forced to marry, may be separated from their families and their communities, making them more vulnerable to abuse and exploitation. In addition, young girls may be more reliant on their husbands for financial and social support than an adult woman would be, and may therefore be more willing to tolerate violence in the home. Conflict and insecurity may result in a breakdown of social norms and behaviors that would normally prevent domestic violence. In addition, legal institutions and other protection mechanisms may not be functioning or accessible, especially for displaced populations.

(F) Effects on divorce

Among the least visible effects of child marriage are the ramifications of child divorce and child widowhood.³¹⁷ Girls who are married and divorced as children suffer severe consequences, and these may be exacerbated in humanitarian settings. Girls risk being stigmatized by divorced, as do adult women divorcees. In addition, they are almost always prevented from returning to school after the marriage has ended. On the whole, the long and complicated legal procedures required filing for divorce in Arab states, gaps in the legal statutes regarding children, and children's limited financial resources make it nearly impossible for married children to file for divorce. Child divorce cases in Yemen provide an example of the difficulties faced by married girls seeking to divorce: in particular, four cases of child divorce handled by a human rights lawyer that were widely covered by the media, involving girls under the age of 10 from diverse family backgrounds who sought divorce but faced tremendous obstacles in accessing the justice system. In one case, the father, who had arranged his daughter's marriage, was unwilling to support her divorce claim and was in fact a major obstacle in the process. In another case, the girl was forced to relinquish her dowry to be granted a divorce. If not for the involvement of the human rights lawyer, and the media attention generated by her pleas in support of the girls, these children would have been doomed to a life of misery and abuse.³¹⁸

(G) Intergenerational effects

Child marriage not only affects the life of the girl forced into underage marriage; it has consequences for her children as well. An infant is 60 per cent more likely to die when born to a mother under age 20.³¹⁹ Due to a mother's poor nutritional status during pregnancy, babies may have a low birth weight, making them 5 to 30 times more likely to die than babies of normal weight.³²⁰ A mother's nutrition and health during breastfeeding is also crucial, as the chance of survival of breastfed children is **at least six times greater** in the early months than that of non-breastfed children.³²¹

³¹⁵ Human Rights Watch (2011). "*How Come You Allow Little Girls to Get Married?*": *Child Marriage in Yemen*. Washington DC: Human Rights Watch. P.2

³¹⁶ Al-Thabhani, Naser and Abdullah A. Alkaff. (2004). "A Report on Violence against Children in Selected Areas of Yemen." Sana'a: Republic of Yemen, Higher Council for Motherhood and Childhood. P. 50

³¹⁷ It is worth noting that In Palestine, for example, nearly 10 per cent of all divorces in 2013 involved girls under the age of 18. PCBS (2013) Accessed at <http://www.pcbs.gov.ps/Portals/Rainbow/Documents/VS-2013-05e.htm>

³¹⁸ ESCWA and UNFPA (2014). *Expert Group Meeting on the study entitled "Child Marriage in Humanitarian Settings in the Arab region: Dynamics, Challenges and Policy Options"* Beirut. p. 7

³¹⁹ Population Reference Bureau (2011). "Who Speaks for Me? Ending Child Marriage" Policy Brief. P.2

³²⁰ Population Action International (2006) "How Family Planning Protects the health of women and children" Policy Brief. P. 1

³²¹ UNICEF (2014). "Breastfeeding." Accessed at http://www.unicef.org/nutrition/index_24824.html on 15 October 2014

After giving birth, young girls, especially those without education or economic opportunities, may be less equipped to care for their children. In addition to illiteracy and poverty, many young girls may not have the family and social support necessary to help in raising a family, and they may also have less decision-making power within the household. These factors often reinforce a cycle of poverty, poor health, and even child marriage. Children of women with no education are shown to be less likely to complete primary education themselves, which increases their risk of marrying early.

Last but not least, child marriage reinforces many existing social and gender norms. Girls married underage are at risk of being limited to a subservient role for the rest of their lives, with profound impact on future generations. In the Arab region, such societal norms are reflected in low rates of women's economic participation, lack of legal protection for women and girls, and culturally defined perceptions regarding (read: acceptance of) gender-based violence. The implications of child marriage, which likewise include lower education and employment rates, greater chance of dying during pregnancy or childbirth, and increased risk of gender-based violence, similarly place women in an extremely disadvantaged position, reinforcing existing gender norms of inequality. These gender norms are especially reinforced when there is a large age gap between a girl and her husband. In humanitarian settings, the likelihood of a larger age gap between a girl and her husband is increased. A UNICEF study on child marriage amongst Syrian refugees in Jordan confirmed this, finding that 31.8 per cent of Syrian child brides married men at least 10 years older than them, and 16.2 per cent married men 15 years older or more. This is compared to only 7 per cent of Jordanians married to men 10 years old or more, highlighting that conflict and insecurity drives families to marry girls to even older men.³²²

(H) Socioeconomic development

The costs of child marriage are high for individuals, but also for society as a whole. While very little research has been done on the impact of child marriage on the overall socioeconomic development of a country, long-term implications can be inferred from the negative impact of child marriage on education, health, legal rights, and the reinforcement of gender norms. Educated girls are more likely to participate in the labor force, have a say over household spending, and invest in their children's education.³²³ Because child marriage negatively affects the likelihood that girls will continue their education, its ramifications affect society and the economy more broadly. Numerous studies have shown that investing in young girls' education is one of the most effective ways to reduce poverty and promote economic growth. Similar correlations may be observed regarding the relationship between maternal and child health, both of which are negatively affected by child marriage, and socioeconomic development. Reducing maternal and child mortality also has a positive impact on a country's social and economic development. A recent study by WHO analyzed the relationship between GDP and maternal and child mortality and found that the relationship is circular, but that the impact of maternal and child mortality on GDP is stronger than that of GDP on maternal and child health.³²⁴

The impact of child marriage on the overall socioeconomic development of a country is naturally exacerbated in humanitarian settings, which are characterized by challenges not only to security but also to education, economic productivity, and healthcare. During periods of conflict and insecurity, when the ability of institutional mechanisms to counteract the effects of these challenges on socioeconomic development is weak, practices such as child marriage pose a particular threaten to a country's overall socioeconomic development and as well as its

³²² UNICEF (2014). *A Study on Early Marriage in Jordan 2014*. Amman, Jordan: UNICEF, p. 24

³²³ UNDP, Gender and Poverty Reduction. Available at

http://www.undp.org/content/undp/en/home/ourwork/povertyreduction/focus_areas/focus_gender_and_poverty/

³²⁴ Amiri, Arshia and Ulf-G Gerdtham (2013) *Impact of Maternal and Child Health on Economic Growth: New Evidence Based Granger Causality and DEA Analysis*. WHO PMNCH. P. 4-6

prospects for recovery. Furthermore, although child marriage does not necessarily cause conflict or insecurity, by reinforcing poverty, limiting girls' education, and slowing economic growth, the practice does ultimately contribute to a country's long-term instability.³²⁵ Therefore, in humanitarian settings it is especially important to address the consequences of child marriage in order to prevent further elements of underdevelopment and circular cycles of poverty and vulnerability.

(I) Conclusion

The act of child marriage, itself a grave violation of the rights of the child, thus sets into motion a series of violations also implicit in the practice, with serious consequences for the child, the family, and society. While child marriage violates immediate basic rights of the child, including the right not to be separated from her parents, the right to free and full consent to marriage, and the right to physical safety, many of its effects are implicit and come into play over a longer term. These include reduced prospects for employment resulting from halted education; psychological and marital difficulties associated with large age differences between marital partners; and increased risk to underage brides of gender-based and domestic violence.

The negative implications of child marriage are exacerbated in humanitarian settings, where children are already at risk of having their education halted, of being separated from their families, and of suffering psychological trauma. As evidenced in countries such as Somalia and Yemen, conflict and insecurity intensify maternal mortality, domestic violence, and illiteracy. As is shown by research on the recent influxes of Syrian refugees into Jordan and Lebanon, a sudden change in a population's living conditions and sense of security heighten the likelihood of child marriage, as well as intensifying the negative consequences of the practice.

Finally, the implications of child marriage feed into a cycle that exacerbates the risk that child marriage will recur in future generations. Completely ending the practice of child marriage, therefore, requires addressing at once its root causes, its immediate consequences, and its long-term effects.

³²⁵ Lemmon, Gayle Tzemach (2014). "Fragile States, Fragile Lives: Child Marriage amid Disaster and Conflict." Working Paper, Ford Foundation.

Chapter 6: **Preventing Child Marriage and Alleviating Its Effects -- Future Directions and Policy Options**

This chapter concludes the study with a focus on future directions and proposals in support of the prevention of child marriage in the Arab region. The chapter builds on the findings of the analysis advanced throughout the study at four levels, by addressing: (a) gaps in national congruence with international instruments related to child marriage; (b) socio-economic, cultural, and legal structural elements that allow the occurrence of child marriage in the Arab region; (c) contextual dynamics perpetuating this practice in conflict and humanitarian settings; and (d) immediate and long term consequences and implications of child marriage at all levels of development, humanitarian assistance, and post-conflict reconstruction.

The chapter is divided in two parts. The first part focuses on policy options related to the prevention of child marriage in general throughout the Arab region. Beginning with an overview of guidelines and directives advanced by official review bodies such as CEDAW and CRC Committees to various Arab States in terms of their compliance with related conventions, it then proposes legal and institutional measures informed by those reviews for consideration by policy makers. The second part focuses on suggestions of a more programmatic nature aimed at addressing child marriage, particularly in humanitarian and crisis contexts, by building on multidimensional recommendations and proposed plans that have been advanced as part of various major related field studies and related research initiatives.

It should be noted from the outset that each national situation (at both development and humanitarian stages) is distinct, and therefore ideal policies and programs will differ depending on context. Comprehensive research is thus needed before policies are proposed and considered, to ensure that these are streamlined and do not become a “wish list”. In crisis situations, not only is it important to identify how and why child marriage patterns may be uniquely shaped by conflict, but it is also essential to identify how differing historical contexts can lead to different results when it comes to child marriage rates. Initial focus should be on building relevant, in-depth research and programmatic capacities, and on undertaking diversified monitoring and assessment measures to provide a holistic picture of complexities on the ground. Moreover, all related issues (including causes and consequences) and ensuing initiatives need to be addressed collaboratively, in conjunction with all concerned key stakeholders (decision-makers, NGOs, media, researchers, the judiciary, and national women’s machineries), in order that each take concrete actions, consistent with their mandates, resources, and outreach capacities, to prevent the occurrence of child marriage and mitigate its negative effects on girls, their families, and societies at large.

(A) Strategic policy options for the prevention of child marriage

Providing protection from child marriage in line with international standards requires at once adoption of relevant policies, legislation, and implementation frameworks of laws and their enforcement. As a start, there is a need to reconcile national laws and make them more regulatory, clear, and implementable, so that possibilities for *ad hoc* decisions related to child marriage are limited. As one example, unifying the minimum legal age of marriage to correspond with the age at which citizens can vote or obtain a driver’s license would provide a clear standard. There is also a need for strict disciplinary mechanisms to hold perpetrators, including judges and family members, accountable for facilitating child marriages.

International committees have made a range of recommendations to Arab states in order to improve their congruence with international standards, and these are relevant to restate here in support of improving policies in the region. For example, the CEDAW and CRC committees have recommended that Bahrain (which in 2007 set the age of marriage at 15 for females and

18 for males) raise the minimum age for marriage for girls to 18.³²⁶ Noting its concern regarding the marriage of girls under 15, the CRC committee recommended that Bahrain undertake awareness-raising campaigns on the implications of early marriage.³²⁷ The CRC recommended in 2008 that Djibouti set a minimum age threshold for exceptions to the minimum age for marriage.³²⁸ The CEDAW committee called upon Djibouti again in 2012 to reform discriminatory provisions in its family code, and noted Djibouti's obligation to address harmful traditional practices such as early marriage through public education.³²⁹

Acknowledging efforts in Egypt to curb child marriage through the Child Law, the CEDAW Committee has nevertheless expressed concern over temporary and tourist marriages, also known as "*urfi*" and "*misyar*" marriages.³³⁰ The Committee noted that such marriages constitute a new type of trafficking in girls under the guise of marriage.³³¹ The CEDAW Committee also expressed grave concern in 2014 over a draft personal status law for the Shi'a (Jaafari) community in Iraq that includes lowering the age of marriage for girls to a mere 9 years of age, and stipulating that women obtain a guardian's consent to marry. The Committee noted that the increased number of child, temporary, and unregistered marriages severely undermine the rights of women, impinging on their education, employment, and potential as full members of society. The Committee recommended that the State only allow for the marriage of minors in exceptional circumstances, such as pregnancy out of wedlock, and that it raise the age of marriage for such exceptions to 16 rather than 15.³³²

The CEDAW Committee has recommended that Jordan work to prevent early marriages, taking into consideration the best interest of the child and the child's right to education.³³³ The CEDAW Committee also requested that Kuwait raise the minimum age for marriage as per the CRC. In addition, the Committee on the Rights of the Child noted with concern Kuwait's approval of marriages for boys or girls who have reached puberty, and requested the State party to raise the minimum age of marriage in conformity with the CRC's definition of a child. The Committee also requested that the State party repeal article 182 of Kuwait's penal code, which allows a kidnapper to forgo punishment if he legally marries the girl he abducted.³³⁴

The CEDAW and CRC Committees have repeatedly called upon Lebanon to adopt a unified personal status law that ensures both a legal age for marriage in line with international legal standards, and the right to full consent and choice of spouse.³³⁵ The CEDAW committee has

³²⁶ CEDAW/C/BHR/CO/3, Concluding observations on the third periodic report of Bahrain, 10 March 2014. p. 11
See also

³²⁷ CRC/C/BHR/CO/2-3, Consideration of reports submitted by States Parties under article 44 of the Convention
Concluding observations: Bahrain, 3 August 2011. P. 6

³²⁸ CRC/C/DJI/CO/, CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 44 OF THE CONVENTION Concluding observations: DJIBOUTI, 7 October 2008. p. 12

³²⁹ CEDAW/C/DJI/CO/1-3. Concluding observations of the Committee on the Elimination of Discrimination
against Women Djibouti, 28 July 2011, p. 5

³³⁰ "Urfi" marriage is an informal contract that is signed in the presence of two witnesses, but not required to be
officially registered. A "misyar" marriage is a contract between two parties that exonerate a man of any financial
responsibilities to his bride. In addition, the couple do not have to live together. These types of marriages are also
not registered with the authority.

³³¹ See CEDAW/C/EGY/CO/7, Concluding observations of the Committee on the Elimination of Discrimination
against Women: Egypt. 5 February 2010, p. 7

³³² See CEDAW/C/IRQ/CO/4-6, Concluding observations on the combined fourth to sixth periodic reports of Iraq,
10 March 2014, p. 16

³³³ CEDAW/C/JOR/CO/5, Concluding observations of the Committee on the Elimination of Discrimination
against Women Jordan, 23 March 2012, p. 11

³³⁴ See CRC/C/KWT/CO/2, Concluding observations on the second periodic report of Kuwait, adopted by the
Committee at its sixty-fourth session (16 September–4 October 2013), 29 October 2013. P. 9

³³⁵ CEDAW/C/LBN/CO/3, Concluding comments of the Committee on the Elimination of Discrimination against
Women Lebanon, 8 April 2008. P. 4 See also CRC/C/LBN/CO/3, COMMITTEE ON THE RIGHTS OF THE
CHILD Forty-second session CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 44 OF THE CONVENTION Concluding observations: Lebanon, 8 June 2006.

recommended that Morocco put in place mandatory legal conditions for the authorization of marriages under the legal age, due to the high rate of authorizations for marriages for girls, some as young as 13.³³⁶

The CEDAW committee in 2011 welcomed Oman's efforts in passing Royal Decree 55/2010, which prevents a guardian from obstructing a woman's decision to choose her spouse and marry. However, the Committee noted that despite the legal prohibition of marriage of those under 18, early marriage is still practiced and widely accepted in Omani culture.³³⁷ The CEDAW and CRC Committees have recommended that Qatar rectify the disparities in the minimum age for marriage and raise the age of marriage for girls to 18, in line with international standards.³³⁸ Moreover, the CEDAW Committee noted its concern with the requirement for adult women in Qatar to obtain a male guardian's permission to enter into marriage.³³⁹ The CRC Committee has also voiced its concern over the legal sanction of early and forced marriages in Sudan.³⁴⁰ The provisions set forth in Sudan's personal status law not only set one of the lowest minimum ages for marriage in the world, but also deny women the right to full and free consent to marriage and the right to conclude their marriage contracts without a guardian's interference.

Based on the above, and informed by the findings of the analysis advanced in this study (particularly in Chapter 1), herewith are a set of proposals for consideration by relevant stakeholders in the Arab States:

Proposed measures at policy and legislative levels (to be led by policy makers, legislative bodies, and national women's machineries in particular):

- Ratify and implement international human rights treaties that advance the rights of women and children, including CEDAW and the CRC.
- Remove all reservations to CEDAW to ensure its effectiveness in protecting and promoting the rights of girls and women.
- Ratify and implement the Additional Protocol II of the Geneva Convention (V) and the Rome Statute of the ICC to safeguard the human rights of women and children during conflict.
- Accede to the UN Convention on Refugees to guarantee that refugee women and children have access to health, education, and other services.
- Amend discriminatory provisions in personal status codes by (a) setting a minimum age for marriage to 18 for males and females alike, and (b) establishing penalties, such as jail terms or fines, for any person who facilitates the marriage of children.
- Include provisions in child protection laws prohibiting child marriage.
- Adopt anti-trafficking legislation that includes preventive and protective services for victims of trafficking.
- Adopt and enforce laws to combat gender-based violence, including provisions related to child and forced marriage.

³³⁶ CEDAW/C/MAR/CO/4, Concluding comments of the Committee on the Elimination of Discrimination against Women Morocco, 8 April 2008, p. 7

³³⁷ CEDAW/C/OMN/CO/1, Concluding observations of the Committee on the Elimination of Discrimination against Women Oman, 21 October 2011, p. 2.

³³⁸ CEDAW/C/QAT/CO/1, Concluding observations on the initial report of Qatar, 9 March 2014, p. 12 ; See also CRC/C/QAT/CO/2, Consideration of reports submitted by States parties under article 44 of the Convention Concluding observations: Qatar, 14 October 2009..

³³⁹ See CEDAW/C/QAT/CO/1, Concluding observations on the initial report of Qatar, 10 March 2014. P. 12.

³⁴⁰ See CRC/C/SDN/CO/3-4, Consideration of reports submitted by States parties under article 44 of the Convention Concluding observations: Sudan, 22 October 2010. P. 11

- Apply strict legal parameters for exceptions that allow girls under the legal age to marry.
- Provide targeted training for judges on how to handle cases of minors who ‘wish’ or are forced to marry.
- Simplify legal procedures to file for divorce, and ensure that minors who are married have the right to divorce and access to legal remedies and support.
- Strictly enforce birth and marriage registration in an official registry.

Proposed measures at institutional levels (to be led by sectoral ministries in cooperation with national women’s machineries, local municipalities, civil society, and development organizations):

- Strengthen girls’ access to education, and ensure that girls who drop out of school have the opportunity to continue their education.
- Establish effective access to physical and psychological health services for school-aged girls and boys.
- Increase awareness of, and access to reproductive health services, for school-aged girls and boys and their parents.
- Strengthen law enforcement and monitoring mechanisms to report child marriages, including within the school system and at community level.
- Improve law enforcement and institutional mechanisms to report trafficking in girls and women.
- Establish and enforce child protection strategies that prohibit the marriage of minors.
- Develop and implement community-level initiatives to combat gender-based violence, including child marriages.
- Develop awareness-raising campaigns regarding the harm associated with child marriage, drawing especially on available Information and Communication Technologies (ICT) tools and social media.
- Provide targeted health and education services to married girls and those who may be at risk of child marriage.

(B) Programmatic considerations in humanitarian and crisis settings

Child marriage has been the focus of many studies and policy briefs, and as a result there is no shortage of suggestions and recommendations on this issue, although policy and programmatic proposals often skirt the question of how to address the problem in the context of violent conflict. In this connection, Table 14 summarizes preventive and remedial guidelines as drawn from three recent reports—one focusing on child marriage globally (the 2013 Report *Girls Not Brides* (GNB));³⁴¹ one focusing on child marriage in the Arab region in refugee contexts (the 2013(b) UN Women report on Syrian refugees);³⁴² and one focusing particularly on child marriage in Yemen (the 2011 Human Rights Watch (HRW) Report).³⁴³ The concluding suggestions of these reports may not be relevant to all States in the region, or may not be considered as priorities, especially for non-conflict countries. But for the most part, taken as a whole these recommendations provide a comprehensive framework for future directions supportive of combating child marriage and remedying its effects, particularly in humanitarian situations. On the whole, they also correspond to overall suggestions advanced

³⁴¹ Warner, A, Glinski, A, Thompson, L, Redner, J and Kennedy, E (August 2013). Ending Child Marriage: What Will It Take?. *Girls Not Brides*. Available from <http://www.girlsnotbrides.org/wp-content/uploads/2013/08/Girls-Not-Brides-USA-Ending-Child-Marriage-What-Will-it-Take-FINAL.pdf>

³⁴² UN Women (2013). *Inter-agency assessment: Gender-based Violence and child Protection among Syrian Refugees in Jordan, with a focus on early marriage*, Peace and Security. Amman, Jordan, July.

³⁴³ Human Rights Watch (2011). “How Come You Allow Little Girls to Get Married?” *Child Marriage in Yemen*, Human Rights Watch, New York.

by relevant literature on this topic and to the findings of this study discussed in the preceding chapters.

The GNB Report identifies various ‘hot spot’ countries (as discussed in Chapter 2) that are marked as global policy priorities in order to address the issue of child marriage. It is noteworthy that in this list only two Arab countries are included—Sudan and Yemen—two of the poorest countries in the region, both of which have high rates of child marriage and have as well experienced extensive and on-going humanitarian crises in recent years (as have a number of other, non-Arab countries on the list). This report includes five major suggestions: (1) putting a heavy emphasis on engaging with girls, both those “at risk for early marriage” and those who are already married; (2) advocating for better strategies to educate and mobilize “parents, religious/traditional leaders, and community members;” (3) enhancing “the accessibility and quality of schooling for girls;” (4) offering “economic support and incentives for girls and their families; and (5) fostering “an enabling legal and policy framework.”

The UN Women Report, focusing more narrowly on Syrian refugees, puts forward a number of similar recommendations. These include (1) donor development of community-based programs to mitigate the effects of early marriage and facilitate change of norms; (2) establishment of programs to improve access and retention for school aged girls; (3) establishment of programs to support out-of-school girls; (4) development of initiatives to provide economic opportunities to out-of-school girls; and (5) introduction of empowerment programs at the onset of humanitarian crises.

Finally, the HRW Report on Yemen includes more country-specific suggestions, some aimed at the government, others targeting international donors, although the bulk of these can be generalized beyond Yemen. The recommendations for the government include reinstating 18 as the minimum age of marriage. As in other reports, engagement with community and religious leaders both (in terms of educating them and encouraging them to advocate against child marriage) as well as strategies for increasing school retention rates were prioritized. Improving access to reproductive health services and information was an important recommendation not mentioned in the other two reports; this is relevant to other communities as well. Taking steps to improve marriage registration was also included on the list. The HRW report also called on international donors to improve girls’ access to schooling, with particular mention of cost reduction and provision of safe transportation. Better youth-targeted services for victims of abuse were also cited. Finally, capacity-strengthening at the governmental level was identified as a priority.

Target population	CNB	UNW	HRW
Girls	Engage - with girls at risk of early marriage, to facilitate prevention - with already-married girls, to provide support	Development of social and economic programs for out-of-school girls	
Communities	Education / Mobilization of parents and religious leaders	Community based programs to: -mitigate impact of early marriage -facilitate norm change	Engagement with religious leaders with focus on education and advocacy
Educational	Improve accessibility and	Programs to improve	Improve girls’ access

Systems	quality of schools, especially in context of displacement	access to, and retention in school	to school by lowering cost and improving transportation
Economic Initiatives	Economic support to girls' families	Expand economic opportunities for female graduates	
Health services			-Improve SRHRR services and information delivery - Better services for victims of abuse tailored toward youth
NGOs		Introduce 'empowerment programs' at onset of humanitarian crisis	
Legal	Foster enabling legal environment		-Establish 18 as legal age of marriage -Improve marriage registration process

While these and other previous studies have provided some significant suggestions for addressing the problem of child marriage, surprisingly they include only limited discussion of how the effectiveness of programs may be compromised in the context of violent conflict and forced displacement. For example, while engaging directly with girls at risk and those who are already married is of key importance, a significant challenge in the context of humanitarian crises often relates to identifying at-risk girls, particularly in cases where large rates of displacement have occurred. This is particularly challenging among refugees who are not settled in camps, but instead are dispersed among the host population (as is the case of the Syrian refugees in Lebanon).

The importance of engaging local leaders, communities, and parents is definitely central to any policy or programmatic solution, especially at the level of norm change. As a concrete example of women activists who have attempted to change norms by reaching out to families directly, one might note the activities of Syrian women in conflict areas who have resorted to home visits to try to dissuade families from marrying their daughters off at a young age. These women are risking their own lives in carrying out this important work. Such a personal, direct way of tackling the issue can work in some instances, but is labor intensive and can be extremely risky for the women attempting to influence families under conditions where militias are actively encouraging the practice of child and/or forced marriage, particularly in order to service their soldiers.³⁴⁴ Therefore identifying methods that provide more protection to those attempting to change such norms is highly advisable.

More generally, the reality of how to engage communities can be quite daunting in conflict situations. For example, what process can be used to identify local leaders in contexts where displacement levels are high and/or multiple groups are competing to emerge as 'leaders'? Also, sensitivity is needed in contexts where parents feel that they have little choice, because of economic and physical insecurity challenges and where 'educational' campaigns may appear paternalistic and/or may serve to worsen the feelings of inadequacy among parents

³⁴⁴ The Institute of Inclusive Security (2015). *10 More Ways Syrian Women Are Building Peace and Democracy*. Available from <http://www.inclusivesecurity.org/10-more-ways-syrian-women-are-building-peace-and-democracy/>.

who have already made the decision to marry off their daughter. It also is important to point out that parents may not be in agreement concerning what is best for their daughters (as was discussed in Chapter 3, drawing particularly on research conducted in Somalia and Yemen), and whereas mothers' desires for example, are ignored by fathers, who insisted on marrying their daughters off as children. In such instances it is key that programs are designed to provide the parent who is opposing child marriage with leverage to assure that the other parent does not succeed. Also important is to assure that a holistic approach is taken, since educating parents, without also addressing economic or safety concerns in humanitarian and conflict settings is likely to be less effective.

While it is particularly important to assure that religious leaders come out with messages condemning the practice of child marriage, it is also important to understand what competing narratives may hinder or complicate the delivery of messages about why it is best to avoid child marriage. In Somalia for example, where al Shahaab claims to represent Islam while at the same time using extreme violence to impose their will (including through forced marriage and rape), such efforts may appear naïve or ineffective, and may in fact increase parental anxiety, but without changing the outcomes. Although less extreme, contexts where conservative politicians, such as in Yemen and Iraq, have pushed to eliminate age of marriage laws based on religious beliefs also illustrate the degree to which religious interpretations are contested and the extent to which girls may become pawns in a larger political game. These examples illustrate the degree to which identifying vocal religious leaders may be at once a key and a challenge, and the extent to which local context matters.

Surprisingly, the provision of physical infrastructure (beyond improvements in transportation and educational infrastructure) does not get much focus in many proposed policy options. And yet, this may also be a key to assuring girls' safety, as well as reducing parental anxiety, in order to in turn address one factor that may be contributing to the decision of marrying off underage girls.

Finally, the issue of government responsibility in designing and implementing programs is particularly difficult in the context of conflict. Countries embroiled in violent struggle are generally 'failed states,' and so the enforcement of legal frameworks, particularly when it comes to child marriage, is often very low on the list of priorities. Additionally, leadership may be contested and child marriage may be arising precisely among communities that find themselves in conflict with the current government, in contexts where child marriage may be viewed as a direct challenge to governmental authority. Under such circumstances, and particularly when the international community is viewed with suspicion, putting donor resources into supporting the government to end child marriage may instead exacerbate the problem further. At the same time, it is key that capacity building be a central part of post-conflict reconstruction, posing a real dilemma for donors who need to both navigate some treacherous political complexities, as well as effectively identify the relevant group of leaders to target, in contexts where political uncertainty may make this kind of determination particularly challenging.

In conclusion, and as discussed earlier in this study, while there are some commonalities that can explain persistent child marriage throughout the Arab region, each national situation of child marriage is also unique, and therefore requires a tailored response. Assuring that comprehensive programming addresses underlying economic insecurity is relevant in most instances, but the economic particularities may vary. Addressing the severe threat of sexual violence is also more relevant to some contexts than others. With that in mind, the following is a set of proposed measures grouped around priority issues identified in the course of analysis above, as well as in various studies referenced throughout. It is hoped that these measures, if implemented in a comprehensive and collaborative context, could indeed facilitate the prevention of child marriage, particularly in conflict and humanitarian settings, and mitigate its effects.

- **Education and Vocational training**

Girls' empowerment includes ensuring that girls have access to quality public education and that this education is compulsory. There is a need for educational systems and curricula that encourage students to value gender equality and that explicitly draw attention to the problem of child marriage. There is also a need for capacity building programs within regular classroom curricula to educate girls about their legal rights. In addition, targeted education on these issues should not be limited to schools or only to girls; it should also include parents and teachers. Moreover, in the process of seeking to make justice systems more gender sensitive, judges in particular should receive information sessions and knowledge building support on child marriage and its consequences.

Married girls almost always halt their education, especially in humanitarian settings. While this may occur even outside the confines of child marriage, halting education is the first step on a path to poverty, limited decision-making power, and an increased risk of maternal mortality, morbidity, and gender-based violence. Programs aimed at keeping girls in school have been shown to be the best preventative measure against child marriage. When girls are already married, alternative educational opportunities catering specifically to their needs, such as vocational training, should be provided. These programs should be focused on building essential skills, such as literacy and numeracy, or on training that is tailored to specific economic opportunities and living conditions, including in situations of displacement. Such interventions should take into consideration the limited financial and time resources of young married girls (especially refugees and those with children). Program facilitators should work with the community to identify necessary skill sets and curricula.

- **Targeted health interventions and outreach**

Married girls are at an especially high risk of maternal mortality, morbidity, malnutrition and depression, as well as domestic and gender-based violence. In humanitarian settings, there is often a lack of quality health services for women and children, resulting in an even higher risk of health repercussions. Where these services do exist, young girls may not have the knowledge, resources, or decision-making power to seek them out. Therefore, in addition to scaling up focused sexual and reproductive health (SRH) services for young married girls in situations of conflict and displacement, there is also a need for outreach campaigns and culturally sensitive means to motivate them to seek out healthcare.³⁴⁵ Involving men and boys in promoting SRH services for their wives is also essential to ensure that young girls, who may not always be empowered to make decisions regarding their own health, receive the appropriate care.

On the whole, programs and information on sexual and reproductive health issues in the region are of profound importance. These issues are rarely taught in schools and parents are reluctant to speak to their children about health related topics that are still considered taboo. Civil society and international organizations are taking on an increasing role in raising awareness on SRH and the importance of education for girls. In this connection, it is especially critical to increase knowledge of, and access to reproductive health services, in unstable contexts where they are simultaneously most needed and most limited. As child marriage becomes an increasingly common concern in humanitarian settings, it should be integrated as a primary issue in SRH services provided as part of relief and emergency response programs. In addition to family planning, antenatal care and prevention of SGBV, such programs should include a mandatory component focused on the monitoring of, prevention of, and response to child marriage and its multi-faceted implications.

³⁴⁵ For an elaboration on this issue, see "Policy Brief on Consequences of Child Marriage for Sexual and Reproductive Health in Humanitarian Settings in the Arab Region," ESCWA 2015, available at http://www.escwa.un.org/information/publications/edit/upload/E_ESCWA_ECW_2015_TP6.pdf

- **Research and Data collection**

Lack of data and reliable statistics has proven to be a major challenge for assessing the occurrence and implications of child marriage in the Arab region. This is especially problematic in humanitarian settings, when institutions and data-collection capacity become increasingly weakened. Given the importance of this issue in recent times, and ongoing data limitations in many countries in the region, comparative intra-regional data should be facilitated focusing on the prevalence of child marriage and its related consequences. There is also an urgent need to develop a unified methodology to compare similarities and differences between the experiences of different Arab countries. Regularly conducted household surveys and censuses compiling data on age of marriage, income level, education, and occurrence of domestic violence would allow policymakers to make more informed decisions on the best interventions to address and prevent child marriage. Qualitative studies would also be useful to gain a better understanding of the psychosocial effects of early and child marriage. Moreover, it is essential to dedicate adequate human and technical resources in humanitarian and emergency settings to collect timely and disaggregated data and conduct thorough assessments of the needs and availability of SRH services, particularly for displaced married girls. Further in-depth research and quality data are also urgently needed among refugee communities in host countries in order to provide a more accurate account of child marriage and its prevalence as a reported survival tool utilized for economic and protection purposes.

- **Raising Awareness**

Because the marriage of girls before they reach 18 is a cultural practice that is too often viewed as a form of protection for the girl-child, it is not surprising that many people within these communities do not view child marriage as a violation of the rights of the child. Awareness-raising initiatives can play a crucial role in changing social attitudes and mindsets, and thus help to prevent child marriage. The most successful awareness-raising programs (developed in collaboration with the media, schools, and health authorities) are ones that approach child marriage as a health issue and stress the benefits for families and society in the education of girls.

Raising awareness about the importance of marriage registration, as well as providing accurate information on the process and associated fees, would not only prevent some child marriages from taking place, but would also provide the necessary legal protection should a married girl wish to file for divorce. Proper marriage registration would also enhance data availability and reliable statistics to track the prevalence of child marriage in the Arab region.

As suggested earlier, engaging men and boys in the discourse surrounding child marriage is fundamental to ending the practice. Public advocacy is vital to raising awareness about the devastating consequences (including the SRH implications for young girls) of child marriage, and changing deep-seated cultural attitudes regarding the value of women and girls. Sensitizing judges and legal experts to relevant international and regional legal frameworks and the consequences of child marriage can play a particularly valuable role in efforts to combat child marriage. And in all these processes, the media can be used as an effective partner and as a productive medium to raise public awareness about the prevalence and consequences of this problem. The utilization of ICT tools (particularly new technologies) should be considered and explored, depending on available technical and financial resources.

In sum, the prevention of child marriage in the Arab region requires a multi-sectoral approach, one that includes addressing cultural discourses and gender norms that perpetuate gender inequality. Engaging with religious leaders and sensitizing them on child marriage and its detrimental consequences particularly should not be overlooked. Finally, while preventing

child marriage should be a priority, it is also essential to support girls who are already married and provide them with critical health, educational, and psychosocial services.

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This study focuses on the issue of female child marriage in the Arab region, particularly in conflict and humanitarian settings. It explores the various causes and effects of this problem, with a distinction between structural determinants that have been long present in many Arab countries, and unique contextual determinants that are fuelled by circumstances of instability, displacement, and extreme poverty. Drawing on a combination of desk and field research, the study examines the root causes of child marriage in the Arab region and analyses its drivers in conflict and humanitarian situations, such as the shifts in family and community relations, changes in gender roles and deterioration of life conditions. It also investigates the economic and health ramifications of child marriage, for young brides, their children and their communities, especially in post-conflict contexts.

The study also provides an overview of national obligations with regard to child marriage across the region, as stipulated by international instruments and humanitarian laws. It concludes with recommendations for policy and programmatic interventions aimed at addressing the multifaceted dimensions of child marriage and its implications for the rights of girl-child. The overall aim is to strengthen the capacities of Arab policymakers and advocacy groups to prevent, protect from, and respond to child marriage as a form of gender-based violence and a human rights violation.