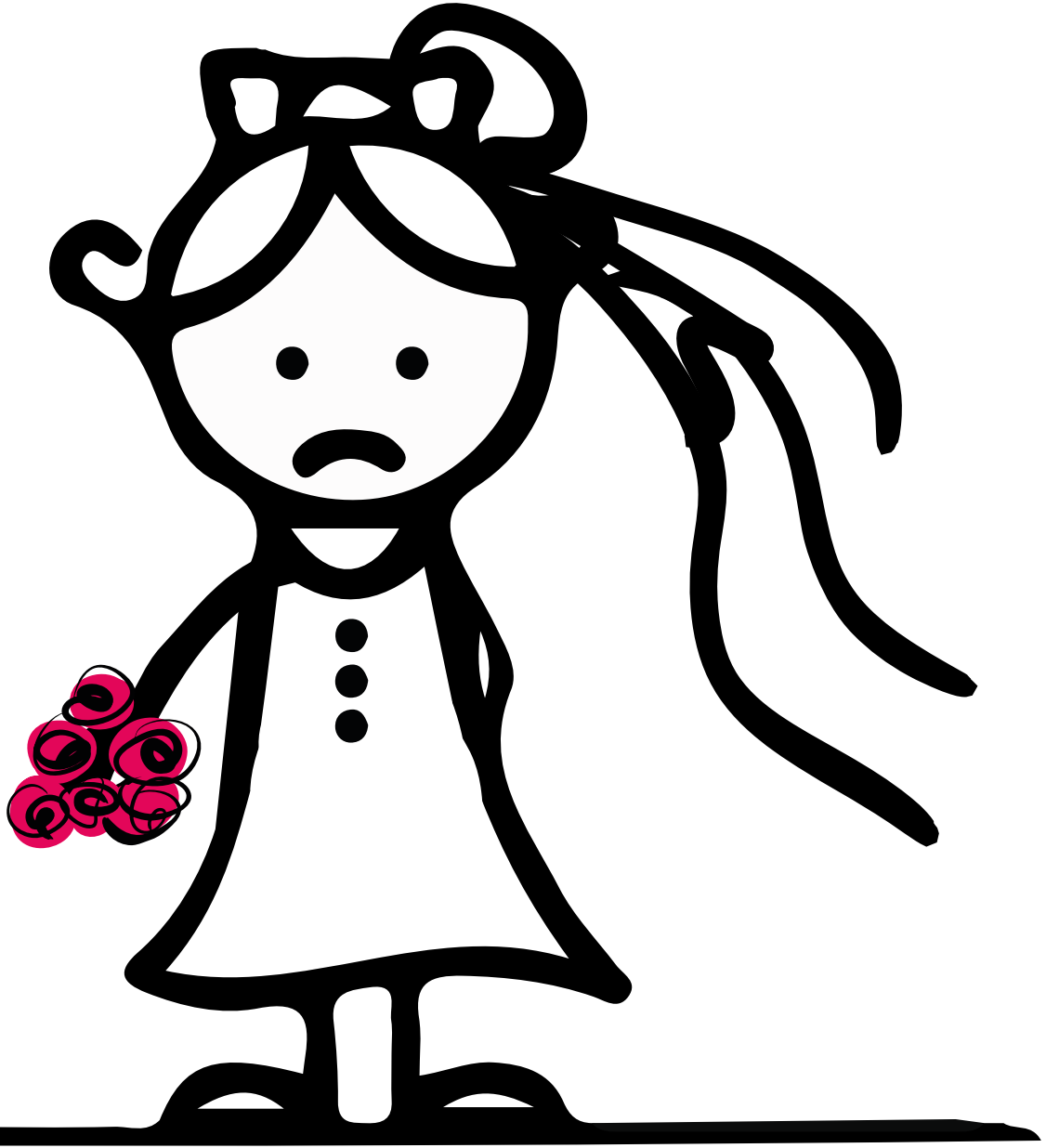


Regional seminar on

# Child Marriage

during democratic transition and armed conflicts



منتدى  
آمنة لبنان



أبعاد  
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This booklet comprises of the presentations and papers that were presented and discussed during the seminar that was held in Beirut in October 2015, titled "Regional Seminar on Child Marriage during democratic transition and armed conflicts", and which was presented by experts from Egypt, Lebanon, Tunis, Yemen and Palestine on Child Marriage and its cultural and health consequences.

#### Credentials:

ABAAD and the Arab Institute for Human Rights would like to thank everyone who contributed to the papers that were presented and discussed during the seminar in October 2015.

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The Arab Institute for Human Rights was founded in 1989, at the initiative of the Arab Organization for Human Rights, the Arab Lawyers Union and the Tunisian League for Human Rights in a context of deep political changes on the global and Arab levels. The end of the 1980's saw the growth of a global and Arab movement calling for democracy, the respect for human rights and strengthening the role of non-governmental organizations in development and democratization. To achieve its objectives, the Arab Institute for Human Rights works jointly with a significant number of national, regional, international, governmental and non- governmental organizations, within and outside the Arab world. It coordinates and cooperates with various networks working in the Arab region, especially feminist networks. The Institute has played a major role in training Aisha network organizations, which is a feminist network. The Institute worked with Salma network, a feminist network concerned with combating gender-based violence. The AIHR has been active in the implementation of activities and projects designed to improve the conditions of women and promote their political participation and promote women's roles in trade unions and political parties. It is also striving to include women's issues in the core of democratic transition. It is presently working in coordination and cooperation with Emna Forum to strengthen the expertise and capacities of member organizations to use international and the UN mechanisms to protect and promote women's rights.

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### **ABAAD:**

ABAAD, founded in 2011, is a non-profit, non-politically affiliated, non-religious civil association that aims to promote sustainable social and economic development in the MENA region through equality, protection, direct service provision and empowerment of refugee and host community groups who may be vulnerable, especially women.

ABAAD comprises of a dynamic pool of resources, human rights activists, lawyers, consultants, social workers, and researchers, all of whom are dedicated towards achieving gender equality and women's empowerment.

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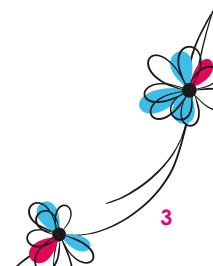
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## Foreword

### Let's invest in equality

This regional seminar on child marriage in armed conflict falls under a project that aims at producing research on women's rights in general and women's rights in situations of armed conflicts in specific. This seminar will also focus on capacity building and advocacy so we can all reach change; change on individual level and on the society level.

Human Rights activists in the Arab World laid the foundation for the work of thousands of human rights defenders, and introduced the notions of freedom, equality and justice. Their activism also helped change laws and constitutions that were too oppressive.

The Arab reform movement gave way to the new movement of human rights defenders; our societies won't change if we don't work on women's rights while working on other human rights issues. There won't be any change on the long run if we don't reach equal citizenship. Working to achieve gender equality isn't only to prevent abuses against women or enhancing the status of women in societies, but it is also to rediscover the humanity of societies. Societies lose a bit of their humanity every time women and girls are abused and their rights are violated; and this is proven by many studies that show that sustainable development only happens when there is inclusion and equality.

Today we celebrate the 70th year for the establishment of the United Nations which reminds us of the universal declaration of human rights, which ultimately aims to free human beings of fear. The declaration of human rights is the basis upon which we can build a healthy civil society. The world is witnessing a lack of balance between investing in violence and destruction on the one hand and investing in humanity on the other hand.

Therefore, we as civil society and as independent organizations, we need to work on social reform to adjust and change laws for women and for the betterment of the civil society, and to have the capacity to build these skills:

First: to advocate for peace rather than war and conflict; we can't talk about women's rights in situations of armed conflicts. The civil society should become equipped to be the world's conscious voice and to be innovative in its ways to advocate for peace. We have to remember, that without peace, we can't lay the grounds for change.

Second: One really important issue is how to respond faster in cases of emergency

Third: To work on a long-term investment for education. Education is the key to everything that we aim for.

Since its establishment in 1989, the Arab Institute for Human Rights has been investing in the human being. Today, we find ourselves involved in transporting human rights culture to everyone.

**Abdul Basset Bin Hasan**  
**Chairman of the Arab Institute for Human Rights**





## Conceptual background of the regional seminar

The issue of child marriage has not been given the attention it deserves; it is part of the taboos in our Arab societies since it is directly related to the personal status laws that assert the supremacy of men over women and establish the power of the father over the family. It is true that some data or punctual statements make directly or indirectly reference to this subject, however, the issue has still been treated in terms of denial sometimes or on a case by case basis as a random phenomenon that is not serious enough to be raised some other times. Practices depriving minor girls from their right to a full and safe childhood have remained an integral part of the family practices.

It is not hard to enumerate the family constraints and practices that promote man's role compared to woman's; in addition to the multiple laws made to make males act as tutors over females, as in the law of succession, the personal status law, the laws that offer the woman reduced citizenship right such as the law on nationality, there are the traditions and customs that make discrimination against women an integral part of the daily practices, although all the Arab states have signed the Convention on the Rights of the Child and the CEDAW. The UNSC resolutions dealing with the protection of women and girls in time of conflict, namely Resoluion No 1325 and Resolution No 2122 have not been effective in fighting the phenomenon of early marriage for girls in transition societies.

It is true that child marriage has dropped during the sixties and the seventies, however, this phenomenon is resuming under the circumstances of political and social movement in the Arab region, in the light of the changes and transformations at this historical transitional stage, and with the upsurge of the conservative movements and the fundamentalist Islamic movements that followed the Arab Spring revolutions, the development of the refugee and displacement crisis as well as the political and economic crises in the region, the growth of conflicts, disputes, wars, military aggressions and occupations, all this pushed the issue of "child marriage" to the forefront especially in the refugee camps where there are violent practices against girls and use of their bodies sometimes for revenge and some other times for the purpose of rape and kidnapping, and many other times under the pretext of preserving ethics and honor. This goes in parallel with the growing trend in the Arab societies to legalize marriage of minor girls at a very early age. We are thus facing a real problem which starts with "arbitrary" marriage of girls who are in fact "children", to "forced marriage" or "swap marriage", ending with a tragedy for those "minor girls" who will pay high the price under the slogan of "protection of girls in conditions of displacement", "the preservation of honor", the "rigid traditions" that do not care about the girl's humanity.

"In order to lead a more in-depth discussion and analysis of the Civil Society Organizations, develop the discourse and the vision and perceive a way to intervene to put an end to this phenomenon and find the necessary mechanisms, the Arab Institute for Human Rights, Abaad and HIVOS held, in coordination with the Democratic Forum for Women in transitional societies – Amina Forum Lebanon, a regional conference under the title:

**"Child marriage during democratic transition and armed conflicts"**







## Axes of work of the seminar

1. Analyse the phenomenon of child marriage as an act of gender-based sexual violence that is entrenched in the prevailing culture.
2. Discuss the factors that contribute to the emergence of the phenomenon of “minor girls’ marriage” or “child marriage” or “early girls’ marriage”, most importantly the conventional inherited ideas that stem from religious bases and call for early marriage as a means to preserve chastity and honor.
3. Determine the main consequences of early marriage: the girl is deprived of her right to education, physical safety, entertainment, as well as of her childhood, she is abused sexually, and she is also deprived of the right to take decisions because she is obliged to get married by coercion and without her consent.
4. The impact of humanitarian emergencies and conflict and post-conflict situations on the growth of child marriage for female minors and the attraction of girls by religious armed groupings (such as Daech, Al Nusra... girls being sent for the nikah/sexual activities...).
5. The international context against child marriage as foreseen in the international conventions on human rights, the decisions of the international conferences on women and the UN Security Council resolutions 1325 and 2122.
6. Undertake an interpretation of the legal context of marriage age in the Arab region and determine the fields of improvement of the legislative framework especially the personal status law and the penal code.
7. Determine the mechanisms that contribute to limiting the child marriage phenomenon for girls and define the lines of prevention, protection and treatment.
8. Develop the features of a national draft strategy against sexual violence for girls during transition.

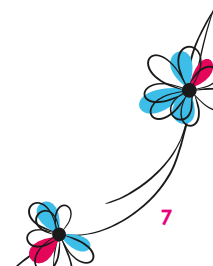
## Methodology of the seminar

**Research papers** are presented by experts (men and women) and **discussed** by the participants who come from different women and human rights organizations in the Arab countries. These papers deal with the different aspects discussed by the seminar with a focus on the most vulnerable groups such as refugee and migrant girls as well as on the poorest and least developed areas and those that are subject to armed conflicts or civil wars. Stress is made on **deepening the discussion amongst participating organizations** in order **to incept a dialogue on how to face** the phenomenon of child marriage in time of armed conflicts and to develop their vision and strategies nationally and regionally in view of stopping its spread, as well as on discussing and reflecting on **the creation of follow-up mechanisms** at the level of the programs of action of the private organizations or at the level of **joint action and coalition** in the future for **the inception of a regional coalition or advocacy campaign.**



## The participants

The seminar was attended by around 45 participants from all Arab countries (30 from outside Lebanon and 15 from Lebanon where the seminar is held) especially those that are witnessing refugee crises and conflicts such as Iraq, Syria, Yemen, Jordan, Lebanon and Egypt, as well as a number of actors from the Arab region: activists (men and women) from organizations active in human rights especially women's and children's, in addition to some UN agencies namely the UNICEF and the UNHCR, and international NGOs working in this field.







## Legal implications of Early Marriage – Dr. Wahid AL FARSHISHI<sup>1</sup>



### 1. Setting the concepts

To the end of the present paper on the early marriage of girls, it is important to define the meaning of “early marriage” and its relationship with other close terms and expressions, such as child marriage and forced marriage.



Dr. Wahid AL FARSHISHI

#### Forced marriage

Marriage occurs without the free and full consent of one of the parties or both of them or when one of the parties or both of them do not have the capacity to terminate the marriage or to opt for separation for several reasons (legal, the law not acknowledging the right of the wife to divorce, the use of force, social or family pressures).

#### Early marriage

Marriage occurs before the age of 18, i.e. before reaching the legal age set by the law. However, such a marriage may be accepted in several countries for those below that age since the legal age in these countries is below 18 or marriage by itself grants them the legal age. The term “early marriage” is also used for those who have reached the age of 18 but, for several reasons, are unable to and not ready to grant their consent for marriage, such as incomplete body development, incomplete psychological, sexual and emotional development, or lack of readiness to confront life within a relationship of marriage.

#### Child marriage

It is the marriage of whoever hasn't reached the age of 18. However, setting the age of a child below 18 in the text of the Convention on the Rights of the Child (CRC) was not decisive and absolute. In fact, Article 1 of the said Convention defines a “child as a person below the age of 18, unless the laws of a particular country set the legal age for adulthood younger.” This Article has given several countries the chance to end the age of childhood before 18 and the possibility to get children married, particularly girls. For this reason, the Committee on the Rights of the Child called the State Parties to reconsider the legal age for adulthood in case it is set to below 18.

In view of these three terms which are used altogether since they encompass all aspects of marriage and marriage contracts violating human rights, in general, and the child's and girls' rights, in particular, and for the purpose of the present paper, we will use the term “early marriage of girls” to describe the phenomenon of marrying them before the age of 18 or even over that age, in case of marriage without their consent, before the completion of their sexual, psychological and physical development or by depriving them, at a later stage, of the possibility of divorce or separation.

<sup>1</sup> Law Professor, Faculty of Social, Political and Legal Sciences, Tunisia, Head of the Tunisian Association for the Defense of Individual Freedoms





## 2. Reasons and factors for the development of the phenomenon of girls marriage

The number of married girls or of girls committed to marriage before the age of 18 amounts to around 400 million women, according to the United Nations Children's Fund<sup>2</sup> (UNICEF) 2012 statistics.

According to United Nations Population Fund (UNFPA), the average of girls married before the age of 18 in developing countries (except for China) is estimated at one girl out of three, most of them being with limited education, living in rural areas and in extreme poverty<sup>3</sup>. Although the number of girls married before the age of 18 has decreased during the past three decades, this phenomenon is still common in rural areas and in poor "urban" areas, due mainly to cultural and legal factors, as well as the prevailing socio-political situation.

### Cultural factors

They are usually related to stereotyped ideas regarding the sexual life of women and girls and their roles within the society, exclusively consecrated to the house and the household. Early marriage then provides protection for girls against sexual aggressions and sex before marriage, and thus preserves "the honor of the family".

### Social factors

Girls marriage is also attributed to social factors, mainly pertaining to the economic situation of the household, particularly poverty, girls not enrolled in schools or dropping out early from schools. Therefore, early marriage of girls is a means to ensure economic sufficiency, especially for those who lack the capacity of independently accessing economic resources and those who live in extreme poverty. In some cases, girls marriage is a financial resource to the household through the dowry which is settled upon the conclusion of the marriage. This is even more dangerous for girls in case of a temporary marriage (contractual marriage: See the Committee for the Elimination of All Forms of Discrimination Against Women (CEDAW), General Comment No 21) or in case of marriage to foreigners, thus developing the phenomenon of women and girls trafficking.

### Political/Security factors

The phenomenon of girls marriage increases in situations of conflicts (whether internal or international). Households marry off female minors whether for economic/financial reasons (poverty) or to protect them against sexual aggressions, especially that households usually think that their girls are in a secure situation with marriage<sup>4</sup>.

### Legal factors

Several legal factors help in providing the necessary legal character to some traditions and cultures. Numerous laws in many countries decrease to below 18 the legal age of adulthood or distinguish between the age of childhood in general, below 18 years, and the age of marriage for girls (14, 15 or 16 years, sometimes), thus opening the door for early marriage. Moreover, numerous laws do not stipulate compulsory education for girls and do not set a specific age to leave school, thus preventing girls from enrolling in schools or making them drop out early from schools.

These multiple factors, particularly legal ones, go basically against the international legal framework regarding the early marriage of girls.

2 UNICEF, Committing to child survival: A Promise Renewed, Progress Report, September 2012.

3 See UNFPA, Population Status Report for the year 2013, Motherhood at the age of Childhood: Confronting the challenge of teenagers pregnancy, New York, 2013.

4 J.Schlecht, E.Rowley, J.Babirye, Early relationships and marriage in conflict and Post-conflict settings: vulnerability of youth in Uganda, Reproduction health. Matters, To 21, n41°, May 2013, pp. 242-234.





### 3. Setting a legal frame for marriage

Most international conventions pertaining to human rights organize the issue of marriage and set several regulations to protect both parties to a marriage, particularly women, and protect children, specifically girls, against early marriage and its implications.

#### Conditions for free and full consent

International conventions and instruments related to human rights unanimously concur over the necessity to have free and full consent in a marital relationship, as stipulated in the International Covenant on Civil and Political Rights (ICCPR) (Article 23, Para. 3 and in the International Covenant on Economic, Social and Cultural Rights (ICESCR) (Article 10, Para. 1). Within this context, the United Nations Convention pertaining to consent in marriage, the legal age of marriage and the registration of marriage contracts stipulate that “both parties shall personally give their consent in the presence of a concerned authority<sup>5</sup>.” Article 16 of the CEDAW stipulates that State Parties shall ensure, on a basis of equality between men and women, “the same right to freely choose a spouse and to enter into marriage only with their free and full consent. Furthermore, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery bind its State Parties to “take all practical and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition or abandonment (...) of the following institutions or practices whereby:

- (i) A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family, or any other person or group; or
- (ii) The husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise; or
- (iii) A woman on the death of her husband is liable to be inherited by another person<sup>6</sup>.

The personal, free and full consent in marriage constitutes a common principle for all these international covenants and conventions, upheld by the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003, Article 6a), ASEAN Declaration of Human Rights (2012, Article 19), and the American Convention on Human Rights (1969, Article 17). This clear-cut international trend in favor of full consent is asserted by the jurisprudence of international committees of human rights. Indeed, the Committee on the Elimination of All Forms of Discrimination Against Women and the Committee on the Rights of the Child underscore the importance of setting up additional legal guarantees to ensure to all individuals the right to freely contract marriage, even in case of different legal systems encompassing customary and legislative rules. (See later child marriage)

#### Conditions of equality and non-discrimination

The right to equality and non-discrimination is considered among the constants of the international law pertaining to human rights<sup>7</sup>. Therefore, child marriage, early marriage and forced marriage are considered as a form of gender-based discrimination, significantly impacting women and girls.

Within this context, the Committee on the Elimination of All Forms of Discrimination Against Women and the Committee on the Rights of the Child consider that forced marriage and child marriage are an aspect of discrimination against women and girls, violate their rights and prevent girls from totally enjoying their rights<sup>8</sup>.

<sup>5</sup> Article 1 of the United Nations Convention, dated November 1962 ,7, which entered into force on December 1964 ,9.

<sup>6</sup> Article 1 of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery

<sup>7</sup> Article 7 of the Universal Declaration of Human Rights, Article 2 of the International Covenant on Civil and Political Rights (ICCPR), Article 2 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), and Article 16 of the Convention of the Elimination of All Forms of Discrimination Against Women (CEDAW)

<sup>8</sup> See General Comment No 1992/19 on Violence Against Poor Women, Para. 11, and General Comment No 21.



## Preventing child marriage

In 2012, a joint declaration for the Committee on the Rights of the Child, the Committee on the Elimination of All Forms of Discrimination Against Women, the United Nations Special Representative of the Secretary General on Violence Against Children, the Special Rapporteur on the trafficking of children, child prostitution and child pornography, the Special Rapporteur on Contemporary Forms of Slavery, the Special Rapporteur on Violence Against Women, and the Special Rapporteur on Trafficking in Human Beings, especially girls and women, was published, calling to increase the age of marriage to 18 for girls and boys alike, without any exception, clearly stating that child marriage cannot, in any way whatsoever, be justified by traditional, religious, cultural and economic reasons.

This joint declaration summarizes an international trend to unify the age of marriage, regardless of the traditional, religious and cultural specificities, and clarifies that Article 1 of the Convention on the Rights of the Child, setting the age of a child up to 18 years, with exceptions regulated by the State Parties, does not apply to marriage. Such a trend is confirmed by all general and specialized committees on human rights and by the United Nations Human Rights Committee: the latter called for setting the age of marriage in a way that enables each spouse to freely express its full personal consent according to the conditions stipulated within the law<sup>9</sup>.

The Committee on the Rights of the Child: The Committee called to consider some provisions of the Convention on the Rights of the Child as provisions applied to child marriage, including taking efficient and appropriate measures to eliminate traditional practices harming the health of children (Article 24, Para. 3), non-discrimination (Article 2), best interests of the child (Article 3), the right of the child to be heard depending on his age and his maturity (Article 12), the protection of the child against all forms of violence (Article 19), the protection of the child against all forms of sexual abuse and sexual violation (Article 34) and the protection of the child against all harmful forms of abuse (Article 36).

The Committee on the Rights of the Child (and the Committee for the Elimination of Violence Against Women) concluded that States are to eliminate exceptions regarding the minimum age of marriage and set up the minimum age of marriage for boys and girls with or without the approval of the parents to 18 years<sup>10</sup>. Within the same context, the Committee on the Economic, Social and Cultural Rights recommended the States to increase the minimum age of marriage to be equal for boys and girls<sup>11</sup>.

The Committee for the Elimination of Discrimination Against Women: The Committee deems that child marriage is a practice which causes physical, mental and sexual harm, suffering, or the threat to resort to such acts and long and short-term implications to that, and negatively impacts the capacity of the victims to fully enjoy their rights (Closing remarks regarding Montenegro, Mauritania, Togo, Zambia, and Bulgaria). It confirmed the elimination of exceptions regarding the minimum age of marriage to be set to 18 years for boys and girls alike. Within this context, the Committee called upon the States to record the cases of birth and marriage in order to better control the age of marriage and support the implementation and enforcement of laws pertaining to the minimum age of marriage<sup>12</sup>.

<sup>9</sup> General Comment No 19 of 1990 regarding the protection of the family, the right to marriage and equality between spouses, Para. 4, and General Comment No 28 of 2000, regarding equality of rights between men and women, Para. 23.

<sup>10</sup> See General Comment No 1994, 21, regarding equality in marriage and family relationships, Para. 36.

<sup>11</sup> Closing remarks about Mexico, Georgia, South Africa and Costa Rica.

<sup>12</sup> Closing remarks about Yemen and Afghanistan.





As for the Special Rapporteur on Contemporary Forms of Slavery, she set the relationship between child marriage and slavery and indicated that States are bound to prohibit and eliminate slavery, since it is one of the high and non-restrictive principles of the international law<sup>13</sup>. The Special Rapporteur on the trafficking of children, child prostitution and child pornography also confirmed this trend, estimating that child marriage may be considered as child sale for the purposes of sexual exploitation, thus violating the Optional Protocol to the Convention on the Rights of the Child regarding the sale of children, child prostitution and child pornography, as well as Article 35 of the Convention on the Rights of the Child<sup>14</sup>.

The Committee Against Torture (CAT) reckoned that child marriage may be a cruel and inhumane and humiliating human treatment, especially if governments haven't set a minimum age of marriage abiding by international standards<sup>15</sup>.

In a nutshell, child marriage, including girls before the age of 18, is a threat to a large range of their rights, among which:

- Right of girls in life, since early marriage may threaten the life of many girls, during pregnancy and delivery and may lead to the death of a great number of them;
- Right to health and healthcare, since early marriage impacts the health of girls whose physical and psychological development hasn't been completed yet, becoming mothers while they are still children.
- Right to education, since marriage or the promise of marriage usually puts an end to girls' school enrollment, girls staying at home to get prepared to become housewives and care for their family.
- Right to work, since early marriage prevents girls from having an education and acquiring the appropriate skills to work at a later stage.
- Right to dignity, since early marriage subdues girls, exposes them to abuse and inferiority, makes them feel inferior, develops in them a negative personal view and, in several cases, exposes them to the risk of exploitation under all its forms: economic, sexual, etc.
- In order to face these violations caused by the early marriage of girls, it is necessary to apply and enforce the duty of protection and care to be assumed by the State, the society and the family.

#### **4. Applying and enforcing the duty of protection and care**

Going back to Article 3 of the Convention on the Rights of the Child, we notice that it confirms that the State Parties commit themselves to ensure child protection and care which are necessary for his welfare and, to this end, take all appropriate administrative and legislative measures. Thus, States are bound to take legal measures, administrative/protective measures and overall strategic measures.

##### **Legislative measures**

Reverting back to all the comments, remarks and recommendations of general and specialized human rights committees and to the reports of the special rapporteurs, we notice that most of them call upon the States to set the minimum age of marriage to 18, with no exception on the basis of economic, social, religious and cultural considerations. However, the preliminary and

13 Thematic report on slavery marriage A/HRC/41/21 and thematic report on challenges and learnt lessons for fighting forms of contemporary slavery A/HRC/43/24.

14 Report of the Special Rapporteur A/228/66, p. 8. Closing remarks for the Committee Against Torture regarding Bulgaria CAT/ L/BGR/CO/4 and Yemen CAT/L/YEM/CO2/REV .1

15 Closing remarks for the Committee Against Torture (CAT) regarding Bulgaria CAT/ L/BGR/CO/4 and Yemen CAT/L/YEM/CO2/REV .1





immediate measure shall be efficient and forceful. Therefore, it is important to adopt restrictive and deterrent measures against those who violate the minimum age of marriage. Within this context, Australia endorsed, in 2013, that forced marriage is a form of slavery and represents a crime subject to deterrent penal sanctions, i.e. imprisonment. The same applies to Azerbaijan which considered forced marriage as a penal crime. The United Kingdom, for its part, is currently examining the possibility of considering forced marriage as a penal crime. However, these legislative and legal procedures may not be sufficient to enforce the prohibition of child marriage and forced marriage<sup>16</sup>. Therefore, it was necessary to compete them with the procedures ensuring their enforcement.

### Procedural measures

Forced marriage and child marriage usually concern poor categories and categories most vulnerable to exploitation (minor girls and boys, those not fully physically and psychologically developed, and thus from vulnerable social categories), thus lacking access to their own means to ensure their rights or to whoever may help them to protect and access these rights. Therefore, all countries are bound to simplify the means to ensure children's access to protective structures and mechanisms. It is hence necessary to disclose cases of child marriage or forced marriage and thus to protect and ensure the safety of informers. It is also necessary to adopt mechanisms for immediate and efficient intervention to protect children and keep them away from the venue and conditions of the violation they are victims of. It is also essential to provide them with a safe and secure housing and reconsider their relationship with their family and with the source of risk they are exposed to. To this end, it is of utmost importance to set up free hotlines and specialized working teams, not only in the security field, but also with social, psychological and educational experience to provide victims – children, girls and women – with sufficient care and attention. Such an action definitely requires the allocation of sufficient logistic, human and financial resources.

### Exhaustive strategies and measures

Legislative and procedural reforms alone (Even though they are important) cannot put an end to child marriage and forced marriage. Therefore, it is more appropriate to set up exhaustive action plans which are specific to the countries severely suffering from this phenomenon. These exhaustive action plans are to be drafted and enforced in a participatory way, to encompass all aspects of forced marriage and to be implemented according to the principle of the best interest of the child.

Action plans should be first participatory, with the contribution of every concerned party in their conception, drafting and implementation by public bodies and authorities from the civil society – women and children, and from traditional and cultural leaderships until each and everyone feels that the action plan is his, so that he monitors its implementation at a later stage and does the necessary follow-up. This participatory approach is also supposed to create a public dialogue and a wide-ranging social movement, definitely leading to awareness-raising regarding the issue at stake and disseminating the culture of prohibiting child marriage and raising awareness regarding its risks.

Second, action plans should be exhaustive, i.e. encompassing all aspects of forced marriage, fighting against all its implications, but also examining its underlying causes and endeavoring to uproot it to a point of no-return with the family and the school playing a major role in preventing the re-emergence of such phenomena.

<sup>16</sup> These examples and measures were mentioned in the report of the Office of the United Nations High Commissioner for Human Rights, regarding the prohibition and elimination of child marriage, early marriage and forced marriage (A/HRC/22/26 April 2014).







Actions plans should be aimed at raising awareness, supporting girls opportunities for education and work, upholding their independence and raising their awareness regarding the risks of early and forced marriage.

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## Comparative Legal Framework in the Arab Countries with Regards to Personal Status Laws – Nada KHALIFEH (Appeal lawyer)



Early marriage is defined through setting the age of marriage. Setting a minimum age of marriage has always been and is still a bone of contention among the previous and current jurists. There are two opinions regarding setting a specific age for marriage:

**The first opinion** considers that early marriage is concluded before the age of puberty, in general, 12 years for boys and 9 years for girls.

**The second opinion** considers that early marriage is concluded after the age of puberty and before the age of 18.



Me. Nada KHALIFEH

**What is important to us is to define early marriage from a legal perspective, which is a marriage concluded before reaching the age set by the law.**

In case the Personal Status Laws in the Arab countries have set up the minimal age of marriage, both parties to the marriage shall have reached it for the marriage to be legitimate.

However, most of these laws are contradictory, preventing early marriage and authorizing it within some exceptions through which girls marriage becomes legitimate.

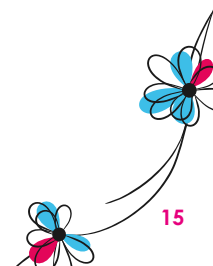
In this paper, we will expose some issues pertaining to early marriage in the laws of Arab countries and the gaps in them, in comparison with the international covenants, in order to propose recommendations and solutions.

### **Comparison of Arab laws regarding the setting of the age of marriage**

Most Personal Status Laws of Arab countries concur to set the minimum age of marriage, even if it varies from one country to another.

Although some legal restrictions were set to fight against early marriage, we are still confronted with this phenomenon, the exceptional and conditioned marriage of minor girls becoming the rule, since the real practice does not comply with these conditions.

We will show the age of marriage in the Personal Status Laws for several Arab countries.





## 1. The Syrian Personal Status Law

Article 16 of the Syrian Personal Status Law stipulates the following:

“The legal age for marriage is 18 years for boys and 17 years for girls”.

However, Article 18 of the same Law stipulates the following:

“If the teenager boy asserts reaching puberty after the age of 15 or the teenager girl after the age of 13 and both asked to get married, the judge authorizes such a marriage if their request is sincere and their bodies have resistance.”

We notice that the Syrian Law, although it prohibits, in Article 16, the marriage of girls before the age of 17, conditions it, in Article 15, by sound mind and puberty, to have the capacity to conclude marriage, encourages and facilitates early marriage, by virtue of Article 18, thus allowing the marriage of a minor girl at the age of 13 and violating international covenants, among which the Convention on the Rights of the Child, which considers every human being below 18 a child.

The text of the above-mentioned Article 18 does not justify what the Shariaa judges are declaring, being strict in the implementation of the said Article, by imposing three conditions at the same time – the consent of the guardian, the verification of reaching puberty, and the resistance of the body, in addition to the appropriate age difference (Article 19 of the Law).

The imposed sanctions are not deterrent. Article 469 of the Syrian Penal Code condemns the religious figure who concludes the marriage of a minor below the age of 18 without the consent of his guardian or the authorization of the judge, in case there is no guardian's consent, to pay a penalty the amount of which varies between 100 and 250 Lebanese Syrian Pounds.

The implementation of other conditions is not strict. Violating them does not entail any sanctions. According to statistics, early marriage is common in Syria.

According to UNICEF report for the year 2015, before the Syrian crisis, 3% of Syrian girls got married before reaching the age of 15 and 13% before reaching the age of 18.

Because of the Syrian crisis and displacement, the rate of early marriage increased to reach 32% in 2015, due to the difficult conditions Syrian refugees are living in. Moreover, Syrian refugees often lack the means or documents to officially register their message and thus, do not abide by the applicable legal rules.

## 2. The Jordanian Personal Status Law

Article 10, para. a of the mentioned law, stipulates the following:

“Both parties to a marriage shall have sound mind and shall have turned each 18 years old to have the capacity to conclude a marriage.”

However, para. b of the said law stipulates the following:

“Despite what was mentioned in para. a of the present article, the judge may, with the approval of the judge of the judges, authorize, in some cases, the marriage of whoever has turned 15 according to instructions promulgated to this end, in case marriage is a necessity in his interest...”



Although the Jordanian Law imposes severe conditions on the marriage of girls at the age of 15, the Court is bound to make sure that there is an apparent interest, for example with an appropriate age difference (Article 7 of the law), and that marriage is not repetitive or does lead to school drop-out.

However, the practical implementation of such a law shows that, in most cases, conditions are not fully verified and that Shariaa judges do not check the cases raised before them, but contend themselves with the approval of the judge of judges to marry off girls below the legal age of marriage.

This is shown by the figures published by the Department of the judge of judges, with no decrease of the cases of girls marriage since the amendment of the Personal Status Law in 2010.

This is also asserted by a modern study undertaken by UNICEF, indicating that the rate of early marriage in the Kingdom has not decreased yet, maintaining a regular level at 13% out of the overall number of marriages.

Within this context, the report underscored the increase of the rate of marriage of Syrian refugee girls within the Kingdom from 18% in 2012 to 32%.

### **3. The Egyptian Personal Status Law**

Article 31 of the Egyptian Law on Children stipulates the following:

"No contract of marriage shall be registered between two parties below the age of 18."

Marriage registration is conditioned by a medical exam undertaken by the parties to conclude marriage, to make sure that they are free from any disease which may affect the life or health of each other or of their offspring. Whoever registers a marriage violating the provisions of this Article is subject to disciplinary sanctions."

Moreover, Egyptian law prohibits the acceptance of legal actions stemming from a marriage contract if the age of one of the partners is below 18 at the time the legal action is filed. Although the Egyptian law is strict regarding the prohibition of marriage for whoever is below 18 without allowing any exception, with penal and disciplinary sanctions imposed on whoever registers a marriage in which the partners are below 18 or on whoever noted, in a marriage certificate, an age other than the real age of any of the partners.

However, the drafting of the text of the above-mentioned of Article 31 opened the door for several violations under the pretext that it does not prohibit marriage to whoever is below 18, but prohibits the registration of such a marriage.

In most cases, marriage is carried out in a customary way first and will then be officially concluded once the girl reaches the legal age of 18. In other cases, the marriage official concludes the marriage by virtue of the Shariaa, but does not register it until both parties to the marriage reach 18.

According to the statistics published by UNICEF, the rate of girls married before the age of 18 in Egypt reached 17% (2011 – 2013 UNICEF).

However, according to recent statistics published in Egypt in 2015, the rate of girls marriage in Egypt is decreasing, from 28% out of the overall number of marriages in 2013 to 19% in 2014.





#### 4. The Iraqi Personal Status Law

Article 7 of the Iraqi Personal Status Law stipulates the following:

“The capacity to conclude marriage is conditioned by sound mind and by reaching the age of 18”.

However, Article 8 of the mentioned law allows “the judge to authorize the marriage of whoever is 15 in case of extreme necessity, provided that the parties have reached puberty according to the Shariaa and are physically ready.”

The Iraqi law strictly prohibits the marriage of girls below the age of 15 and allows the marriage of girls aged between 15 and 18 at the discretion of the judge, with the consent of their parents, with the approval of the specialized physician and according to specific conditions.

Moreover, the Iraqi law conditioned the conclusion of a marriage contract within the Court, not before religious figures outside the scope of the law, to preserve the rights of the wife, particularly the rights of the minor.

Although the Iraqi Law imposed penal sanctions on whoever forces anyone to conclude marriage without his consent up to imprisonment for 10 years (Article 9 of the Personal Status Code), this Article addresses another society, according to right activists in Iraq, especially that such sanctions may be avoided by settling a financial penalty. Moreover, a great number of marriages of girls not fulfilling the legal conditions are concluded before religious figures, not before Courts.

According to UNICEF statistics, the rate of girls marriage reached 8% (2011-2013 report), knowing that the rate of girls marriage, according to estimates, amounts to 20% of the overall number of marriages. However, this figure does not emanate from official parties.

#### 5. The Moroccan Personal Status Law

Article 19 of the Moroccan Family Code (Moudawana) stipulates the following:

“Men and women acquire the capacity to marry when they are of sound mind and have completed eighteen full Gregorian years of age”.

However, Article 20 of the above-mentioned code stipulates that a Family Affairs Judge in charge of marriage may authorize the marriage of a girl or a boy below the legal age of marriage in a well-substantiated decision explaining the interest and reasons justifying the marriage, after having heard the parents of the minor or his/her legal guardian, with the assistance of medical expertise or after having conducted a social enquiry.

It appears that the Moroccan Law, like other Arab laws, has opened the door for exceptions, allowing the marriage of minors according to some conditions and regulations.

But, in reality, it has been shown that, when marrying a minor girl, the Family Judge limits himself to the declarations of the guardian and relies on the same justifications, among which the minor girl having the physical capacity to bear the duties and obligations of marriage.

According to UNICEF statistics, the rate of girls marriage in Morocco has reached 16% (2011-2013 report).





The women movement asserts that girls marriage in Morocco is constantly increasing and calls for the definitive abolition of exceptions for girls marriage.

## 6. The Yemeni Personal Status Law

Before the unification of Yemen in 1990, the legal age of marriage for girls was 15 in the North and 16 in the South.

However, after the unification of Yemen, no law has set the legal age of marriage. The guardian himself has the right to take a decision if the girl is physically and psychologically ready for marriage.

Yemen is considered at the forefront of Arab countries in terms of girls marriage rate. According to a report issued by the International Center for Studies, Yemen has ranked 13 out of 20 countries classified as the worst in terms of girls marriage, since the rate of girls married before the age of 18 amounts to 48.4%, out of which a large proportion of girls not exceeding the age of 8 or 10.

However, according to UNICEF statistics, the rate of girls marriage in Yemen amounts to 32% (2011-2013 report).

In 2009, the Yemeni Parliament examined a draft law elaborated with the support of Yemeni women organizations and organizations for the rights of the child, setting the minimum age of marriage for girls to 17 and encompassing sanctions to whoever violates the law. However, the conservatives within the Parliament objected over the approval of the said draft law which was suspended and withdrawn.

## 7. The Tunisian Personal Status Law

Chapter 5 of the Tunisian Personal Status Law stipulates the following:

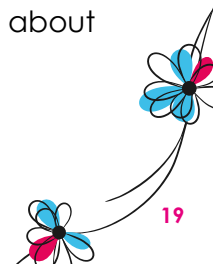
"Males below the age of 18 and females below the age of 20 are not allowed to conclude a contract of marriage."

However, the same chapter stipulates the following:

"Concluding a contract of marriage before the set legal age is tributary of a special authorization issued by the Courts which is not given but in case of serious reasons and for cases that clearly serve the interest of both spouses".

The Tunisian law sets the minimum age of marriage at 17 years, prohibits customary marriage, imposes the official form of marriage and incriminates whoever violates the law. However, it also encompasses exceptions, allowing marriage below the age of 17, for serious reasons.

According to human rights activists, the situation nowadays in Tunisia is different, compared to the remaining Arab countries, since looking for minor marriage is like looking for a needle in a haystack. Presently, the delayed age of marriage is at the heart of discussions while talking about child marriage is neglected.







This is also asserted by UNICEF statistics, according to which the rate of child marriage amounts to 2% out of the overall number of marriages in Tunisia (2011-2013 report).

## 8. The Sudanese Personal Status Law

Article 4, Para. 3., of the Sudanese Personal Status Law, stipulates the following:

“The guardian of the girl may not conclude her marriage unless with the authorization of the judge for a valid reason and marriage is conditioned by the competency of the spouse and the dowry set by the girl's family.”

Para. 2 of the mentioned Article stipulates that “the age of discernment is 10 years”.

Therefore, the Sudanese Law authorizes the marriage of girls at the age of 10.

For this reason, the Sudanese civil society harshly criticized the said law, considering that marrying girls at the age of 10 is a serious crime which goes against international covenants, especially that Sudan has ratified the Convention on the Rights of the Child.

The civil society calls for the abolition of the present law and the drafting of legislations prohibiting and incriminating child marriage.

According to the UNFPA, the rate of child marriage in Sudan amounts to 39% in rural areas compared to 22% in urban areas.

One girl out of three in Sudan gets married before the age of 18 and one girl out of 10 in Sudan gets married before the age of 15.

## 9. The Libyan Personal Status Law

Article 6 of the Libyan Personal Status Law stipulates the following:

- a. The capacity to conclude a marriage is conditioned by sound mind and puberty.
- b. The capacity of marriage is reached at the age of 20.
- c. The Court shall authorize marriage before this age for an interest or a necessity set at the discretion of the Court itself, following the approval of the guardian.

The Libyan law went beyond the International Conventions by setting the age of marriage at 20 and granted the Court alone the right to authorize the marriage of those below that age.

According to Libyan activists, the phenomenon of girls marriage is widespread in the regions controlled by ISIS.

In the region of Derna under the control of ISIS, girls below the age of 12 are married to the Mujahidins aged between 20 and 60, ensuring in return the protection of their families.

## 10. The Bahraini Personal Status Law

In the absence of a law regulating the family relationships in Bahrain, no minimum legal age of marriage was set until the Ministry of Justice in Bahrain adopted Decision No 45 in 2007, stipulating the following:

“No marriage shall be concluded or approved as long as the wife is below 15 and the husband



below 18 at the time of the conclusion of the marriage, as long as there is no urgent necessity justifying the marriage of those below that age. In that case, the specialized Court shall grant an authorization."

In 2009, the first section of the Family Law was promulgated, Article 18 of which stipulating the following:

"A girl below the age of 16 may be married with the approval of the Shariaa Court after verification of the appropriateness of the marriage."

Although the judge is bound to obtain an official document certifying the date of birth of the girl and despite the conditions imposed in case of an exception, according to women associations in Bahrain, the phenomenon of fathers marrying off their daughters before the age of maturation is still largely widespread in villages, with usually a large age difference, thus leading to unequal marriages from the start.

## 11. The Saudi Personal Status Law

The Saudi Ministry of Justice started a regulatory procedure in order to protect girls from early marriage, by setting the age of marriage for both spouses.

To this end, the Ministry has distributed new marriage contract documents to marriage officials, specifying, for the first time, the age of the girl in her marriage contract.

The Ministry has also forbidden all marriage officials to conclude the marriage of those below 16, unless with the approval of the specialized court and after obtaining the medical report certifying that the girl has completed her mental and physical development and that her marriage does not put her at risk.

Within this context, it is noteworthy that to put an end to girls marriage, judicial decisions were taken to deprive the girl's guardian of his guardianship due to incompetency.

Despite that, according to a national study, the rate of early marriage in Saudi Arabia hasn't decreased, but has been steady at 13% of the overall number of marriages.

Official figures confirm that the cases of divorce have reached 7.75 cases of divorce per hour. According to social researchers, the rate of divorce in Saudi Arabia is increasing, mainly due to the age difference with the widespread girls marriage.

## 12. The Palestinian Personal Status Law

Article 6 of the Personal Status Law implemented in the Gaza Strip stipulates, regarding the capacity to conclude a marriage, that the fiancé shall be 18 years and above and the fiancée 17 years and above.

However, the law mentioned a dangerous exception to this rule, authorizing the judge to marry a girl at the age of 9 and above.

As for the Personal Status Law implemented in the West Bank, it sets the minimum age of marriage for girls to 17, with the same exception as in Gaza Strip. i.e. allowing the marriage of a girl at the age of 9 and above.





According to the statistics of the Central Administration of Statistics, 36% of women in Palestine got married before reaching the age of 18, 5% of them got married before reaching the age of 15.

### 13. The Lebanese Personal Status Law

In Lebanon, Personal Status Laws vary according to the number of religious communities amounting to 18, each religious community having its own personal status law. Therefore, there is no one unified law for marriage and a different law is applied to each girl, according to the religious community she belongs to.

Some religious communities have set the minimum age of marriage to 15. Others have allowed the marriage of girls at the age of 9.

Below is a table that shows the girls' age of marriage according to the different Lebanese religious communities.

Religious communities	Girls age of marriage of girls	Exception
Sunni	17	9
Shiite	9	Puberty
Druze	17	15
Catholic	14	
Greek Orthodox	18	15
Armenian Orthodox	15	14
Syriac Orthodox	14	
Evangelistic	16	Conditioned by puberty, without setting an age
Assyrian Orthodox	15	Not specified in case of necessity, if her health and the environment enable her to get married
Israeli	12.5	Girls below the age of 12

There are no clear and accurate statistics in Lebanon about girls marriage. However, these practices are widespread, particularly in rural areas, such as Akkar and the Beqaa.

The civil war in Syria and the displacement of more than 1.3 million Syrians to Lebanon aggravated the phenomenon even more.



The National Commission for Women Social Affairs has set a draft law determining the legal frameworks for girls marriage, stipulating the necessity to consult a juvenile judge to obtain an authorization for girls marriage. In case of refusal, the marriage becomes null and void and the family or the party which has concluded the marriage is bound to settle a financial penalty.

Considering the numerous personal status laws and the lack of a unified age of marriage in Lebanon, adopting such a law remains a difficult and complicated issue.

In order to simplify the way to set up a clear picture regarding the minimum age of marriage in the Arab countries and the prevailing exceptions, we will draft a corresponding table according to the following:

<b>Country</b>	<b>Girls age of marriage</b>	<b>Exception</b>
Syria	17	13
Jordan	18	15
Egypt	18 (marriage registration)	
Iraq	18	15
Morocco	18	Below the age of capacity by a justified decision stating the interest and the justifying reasons
Yemen	Not specified in case the girl is physically and mentally ready for marriage	
Libya	20	Below the age with a Court authorization
Algeria	19	Below the age with the judge authorization
Tunisia	18	Below the age with the judge authorization
UAE	18	Below the age with the judge authorization
Bahrain	16	Below the age with the approval of the Shariaa Court
Kuwait	15 (marriage registration)	
Sultanate of Oman	18	Below the age with the judge authorization
KSA	16 (Ministry of Justice)	Below the age according to some conditions
Qatar	16 (marriage registration)	Below the age with the judge authorization
Sudan	No minimum age	10 years with the judge authorization





<b>Country</b>	<b>Girls age of marriage</b>	<b>Exception</b>
Djibouti	18	Below the age with the judge authorization
Comoros Islands	18	Below the age with the judge authorization
Mauritania	18	Below the age with the judge authorization
Palestine	In West Bank 15 In Gaza 17	9 years with the judge authorization





## The human rights approach

Most Arab States which have ratified the Convention on the Elimination of All Forms of Discrimination Against Women haven't expressed any reservation regarding Para. 2 of Article 16 prohibiting the engagement and marriage of children and committing the States to take all necessary measures, including legislative ones, to set the minimum age of marriage and record the marriage in an official register.

All Arab states, the latest being Somalia, have ratified the Convention on the Rights of the Child. It is true that some Arab States have expressed some reservations regarding some provisions of the said Convention. However, none of them expressed reservations on the text of the first article of the Convention, defining the child as every human being not exceeding the age of 18.

Some countries, among which Bahrain, Lebanon, Libya, Sudan, Yemen, Comoros Islands, and Egypt, haven't expressed reservations regarding any article of the present Convention.

In 2012, the Committee for the Rights of the Child and the Committee for the Elimination of All Forms of Discrimination Against Women called upon the State Parties to review the age of marriage in case it is set below 18 years, while clarifying that it is unacceptable to justify the practice of girls marriage by traditional, religious, cultural or economic reasons.

Knowing that international conventions have supremacy over local legislations in the field of implementation and that some Arab countries, among which Morocco, Egypt, and Tunisia, have taken significant steps to include the rights of the child into the Constitution through special provisions, ... it appears that, despite the ratification of Arab countries of the international conventions setting a minimum age of marriage to abide by and although the laws of most of these same Arab countries have set a minimum age of marriage close to that stated in the international conventions, the phenomenon of early marriage remains widespread in all Arab countries. Such a situation asserts that the legal limits are not sufficient to counter this phenomenon which is practiced for traditional, cultural, religious and economic reasons.

Moreover, studies and statistics show that early marriage has many negative implications on individuals, the society, and the family, a topic that is at the heart of the following working papers.

In view of the repercussions of early marriage, not only on women, but also on the society as a whole, the United Nations General Assembly consecrated October 11 of each year as the International Day of Girls. Preventing early marriage was among the first topics raised for this international day.

It is essential to round up this working paper with a series of recommendations and solutions which we propose to the audience to discuss and set the priorities accordingly.

## Proposed recommendations

1. Making international conventions have supremacy over the applicable national laws.
2. Ensuring the conformity of national laws with the international conventions, particularly the Convention on the Rights of the Child.
3. Ratifying the Optional Protocol to the Convention on the Rights of the Child.
4. Arab countries amending the legislations which set the age of marriage to below 18, raising the minimum legal age of marriage to 18 in all Arab countries and regardless of the religious community to which the minor belongs.
5. Unifying the age of marriage for boys and girls.







6. Cancelling exceptions and strictly prohibiting the marriage of girls below the age of 18, since the exceptions have opened wide the door to violations.
7. Implementing the conditions of recording all cases of marriage in order to screen the extent to which countries are abiding by the minimum age of marriage.
8. Imposing stricter sanctions, the Arab countries taking deterrent measures against whoever marries off minors or facilitates the marriage of minors.
9. Drafting legislations prohibiting all forms of domestic violence against women and girls.
10. Ensuring the right of minor girls to easily and efficiently reach justice and providing them with free legal aid and social and legal counseling.
11. Drafting laws ensuring that marriage requires the free and full consent of both spouses, provided that they have the necessary mental and physical maturation.
12. Establishing compulsory education centers for those wishing to get married and raising awareness regarding rights and obligations.
13. Drafting and implementing laws making elementary and secondary education free and compulsory and taking the appropriate measures so that all children pursue education up to the age of 18, with a special focus on girls.
14. Promoting the role of the civil society in proposing laws which ensure the rights of girls and following up on the extent to which states are implementing them by submitting reports on children.
15. Raising awareness and providing training regarding the rights of the child, boys and girls, for all professional categories working on the field.

We can sum up the situation of women by quoting a Pakistani women's rights activist:  
Had women had the same opportunities and chances as men  
And had they been protected against early marriage  
And against all forms of discrimination and violence  
The world would have witnessed a radical change,  
With a better security, justice and harmony.





## Fighting child marriage: where and how – Dr Fahmia SHARAFEDDINE



Dr. Fahmia SHARAFEDDINE

“The causes are many but death remains one”, this is a popular adage that expresses most the life of women. Averroes also considers that their life is “like the life of the plants, and this means the destruction of our cities”.

It is not hard to elaborate on this proverb; in fact, we are living in renewed moments, and child marriage is taking place in front of our eyes relying on many reasons, such as poverty and ignorance, but most importantly on texts and historical stories that refer us to many models of “success” of child marriage and grant this marriage the blessing of “science and knowledge”.

The promoters of child marriage do not care about the situation of those female minors, because for these, women are the property of men and men are those who decide of their life and even of their death. Doesn't violence against women, which is still ruling over the family relations modes, constitute a model of the power that man has over their life and their death?

What is women's position here?

Maybe we should come back to the wonderful saying by Pierre Bourdieu about “infatuated submission”, which is that of women, and which constituted the pure effect of symbolic violence that is represented in the following equation: that women accept exclusion and do nothing to change it. Exclusion means here continuously working on establishing distinction and women and men continuously submitting to it.

This work makes them distinguish themselves as males and females. And history does its job by undertaking a coordinated reproduction of males and females according to a gender generating vision. It is true that school and religion are the pillars of the patriarchal society where the distinction is produced, however the family with its modes of relationship is the one that imposes the invented experience of gender division of work. The legitimate representation of this work is guaranteed by the law and entrenched in the language. Thus the female becomes a woman i.e. a number of characteristics and perceptions that were determined by Simone de Beauvoir in her famous equation: One is not born, but rather becomes a woman. This means that the roles accumulated through historical experience and fixed by family relations, are based on old mythology that gives man with his strong muscles instinctive control over the woman's body and its functions and functioning mechanisms.

Therefore, marriage has become for women the final goal of life, but the difference as seen by women is how and when it will take place. These questions are closely linked to culture as well as to the cultural values and social standards.





How do these questions appear in our Arab culture and what place does marriage occupy in this culture? What is early marriage or child marriage in our Arab culture?

-1-

### The place that early marriage and child marriage occupy in the general culture

These two notions are used as if they had the same meaning, early marriage and child marriage. Although the confusion raised here is voluntary, the use in Arabic of the term early marriage instead of child marriage is meant to raise confusion itself. If we agree that child marriage is an early marriage, the question that is raised is to know it is early for whom and for what.

So, let us agree that child marriage is not an early marriage<sup>17</sup>, first because it is a forced marriage and not a voluntary one. This means that the actor here is not the girl/child but another person who has granted him/herself the right to marry the girl. Early marriage is also a mitigated formulation that allows the actors, i.e. the tutors in our Arab culture, i.e. the fathers, to escape the curse and sins of marrying minor girls.

I noticed that most of what has been written on this subject is constituted of articles and statistics that describe the problems caused by early marriage on girls as well as on their families. It deprives the girl first from many of her rights that are fixed by the UN instruments and that deal specifically with the triangle composed of the UN Declaration of Human Rights, the CEDAW and the Convention on the Rights of the Child. I will not dwell on the rights since they are well documented in the UNDHR, which is an indispensable book for the militants. I will not talk either about the CEDAW, it is always in the hands of the militants and activists for women's human rights. It is worth mentioning only that in the Convention on the Rights of the Child, a child is defined as follows: "For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier"<sup>18</sup>.

I will not dwell either on the problems caused by child marriage, we are all aware of them since they are taking place in front of our eyes. These are physical problems, not the least of them is the inability of the girl's body to bear the burden of pregnancy and childbirth. But the most important problems are the psychological ones, resulting from the stolen childhood dreams and the deprivation of the girl from her right to more or less long childhood and adolescence, in addition to the lack of access to education and to work for the girls who are thus left to ignorance and sickness.

This description as well as much of the talk taking place in conferences and meetings does not offer much to solve the issue. Researchers know and you too know very well that this domain still needs to be examined and studied. In fact, there are no regular surveys and statistics that we could use to follow up the issue and look at the conditions that favor or hinder this phenomenon. It is true that the rights-based conditions related to the subject are the most important conditions but this is not enough under laws on personal status that give religious men the right to interpret the notion of early marriage and amend its conditions and the right to marry a minor girl without constraints. Therefore, the issue of reconsidering the laws on personal status must be the first goal of our discussion. This phenomenon and all phenomena related to gender discrimination can only be ended with civil laws that rule changing aspects of life on earth.

<sup>17</sup> The National campaign on the protection of minors from early marriage, the National Commission for Lebanese Women (NCLW) 2014.

<sup>18</sup> Convention on the Rights of the Child, Article one.



## -2-

In a multivocal article, Faten Al Hussein<sup>19</sup> exposes studies and opinions on early marriage in Egypt. Those who support early marriage in Egypt exceed manifold those who hesitate and do not oppose. This is normal in the light of the absolute silence imposed on this subject since it is considered some times as hurting the beliefs and some other times as hurting traditions related to honor. Everybody prefers that the issue be tackled from the early marriage angle.

Thus society, in all its levels, looks at this marriage as an early marriage, which grants child marriage a legal role in the context of lack of a minimum age for marriage in most of the laws that rule the issues of marriage in the Arab societies, which should be the age of transition between childhood and start of civil liability.

Any legal matrix for the protection of female minors from early marriage should be an open-window matrix in order to elude any interpretations in which religious men excel. Marriage should be an individual responsibility that is dependent on civil and penal laws<sup>20</sup>.

### Where does child marriage stand now?

The laws in the Arab countries have not prevented child marriage for the reasons we all know, but the use of religious and community-based conflict in the realm of the Arab Spring has added to the chances of child marriages due to the flows of displacement and the misery coming with it. The spread of religious interpretations in favor of political purposes has led to a wider spread of child marriages. We do not need to dwell on this issue, it would be sufficient to remember that a woman's body in the contexts of conflict that surface from the current wars in the conflict areas is a combat tool, it is a tool for revenge, reconciliation and pleasure and the woman in all that is a good that is bought and sold and a war booty that is offered as a gift as if she were something that has no mind and no soul<sup>21</sup>.

## -3-

### What can be done and what are the methods of confrontation available?

Talking about child marriage has been taking a charity, emotial aspect and is characterized by setting a list of dos and don'ts, while in fact it is a human rights subject that is related to universal declarations of human rights and humanitarian right.

Pity should not be the reason for intervention. Intervention should rather be inspired by the human rights principles and when we talk about rights, we talk about equality in rights and equality here is a goal by itself. It is not an act of good by the one who has power in all its forms, it is rather a necessary act for lifting injustice from girls who do not enjoy physical or moral defensive capacities.

If we talk about rights in the Arab societies, we find ourselves again in front of the dilemma of the personal status laws, since girls in these societies are hostages first in their own families then in the husband's family.

So we should not turn a blind eye on the negative consequences of the personal status laws on

19 Faten Al Hussein : Studies and opinions about early marriage, between supporters and opponents, Al Arab, December 2003. دراسات وآراء، 2003.

حول الزواج المبكر بين مؤيد ومعارض، العرب

20 Op. cit.

21 Omar Jaffal : Al Safir newspapers, Child marriage in Iraq, 2012/12/12.





women. In Lebanon, for example, the narratives of violence surrounding their lives are sufficient to decide a review of these laws. The State is abandoning half of its population, once by not allowing women to recover their right to benefit from a redrafting of a unified law on personal status for all communities and lifting the reservation on Article 16 of the CEDAW, and a second time by refusing to lift the reservation on Article 9 of the same convention, and many times also by turning a blind eye on what is happening in marriages and the tragedies of divorce. The Arab report on MDGs mentions that the main obstacle to enrolling secondary education is early marriage cases that are prevailing amongst poor households. In Sudan, for example, 54% of the girls in poor households get married before the age of 18. The report considers that raising the marriage age to 18 would have positive effects on fields in terms of MDGs, starting with the positive effect on the targets related to education and health and ending with gender equality<sup>22</sup>.

### Mechanisms of confrontation

- First, in the concept and its repercussions

We the human rights advocates would not use the term early marriage because this notion eludes the main problem related to the age of marriage. We wish that the minimum age of marriage will be fixed, so that any marriage taking place below that age, which should be 18, would be considered as a child marriage and not an early marriage.

We should also recover the State's right to organize its citizens' life. In the case of Lebanon, a unified civil law of personal status should be adopted. It is becoming urgent to reactivate the international conventions especially the CRC, which is by itself sufficient to end child marriage. Harmonization of conventions is very important; if the age of childhood does not end before the age of 18, so how can the Convention accept child marriages.

Detailed and in-depth studies in all Arab countries should be our target for the next two years so that we can determine the problem and the ways to solve it in order to face this phenomenon. Finally, we are precursors of Arab integration, which leads to a regional coalition that carries the issue of child marriage in a first degree educational campaign since illiteracy, which reached 40% in the Arab region according to the Arab Human Development Report for 2002, prevents easy access to information, especially in the light of the closing of the dialogue horizons for Arab societies and the Arab political regimes.

I am calling here for a regional coalition in order to end this mortal wave of child marriage and oblige the regional and international organizations to intervene in favor of a unified position vis-à-vis this issue (the League of the Arab States, the United Nations Organization,...).

It is important at this stage of exacerbation of the conflict in the Arab region to work on the implementation of Resolution 1325 and also Recommendation 30 that was adopted recently by the United Nations, since the woman's body is used as a mailbox, to send messages between fighters and protagonists. This Recommendation foresees the protection of women during armed conflicts.

We have been taught by Hegel that wars carry destruction, but they also carry opportunities of change, which makes me recall that the passport for higher education is the pact signed by the society itself and which contributed to the increase of the number of female graduates as well as the increase of the number of females applying for a job, which led to an increase in the age of marriage, and this is a gain we must preserve.

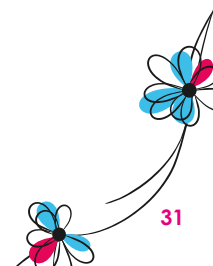
<sup>22</sup> Arab MDG Report.





Let me conclude my intervention by saying that a hard and strenuous work is awaiting the human rights and women's human rights movements. And we have pledged to overcome wars and cross towards opportunities of change, not only to preserve what we have gained, but also to add what we should achieve in order to reach full gender equality and stop this "terrifying destruction that is surrounding our cities".

So let us work together with the strength of the wise, the passion of the rebels and the determination of the militants, both males and females.







## Security and protection frameworks during armed conflicts and in refugee situations that contribute to the increase of child marriage practices – Sama OUWEIDA – Women Studies Center – Palestine



Me. Sama OUWEIDA

### The prevailing culture and the cultural heritage as a tool to control the others' destiny

The United Nations Education, Science and Culture (UNESCO) defines culture as a "set of distinctive spiritual, material, intellectual, and emotional features of society or a social group, and it encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs". It is up to us to imagine the different components of culture which concern all our modes of behavior and our orientations... the daily rituals that we have when eating, studying, choosing our clothes, saying good morning, how to talk with others... our vision of ourselves and of the others... our way of dealing with our specificities and those of others... our vision of death and life... our attachment to things and our rejection of others... our way in evaluating things and objects... the distribution of roles within the family and the society... our vision of the right and the wrong... the allowed and the prohibited... the good and the evil... the victim and the torturer... our vision of the different social classes... etc. So culture represents the most important factor in the formation of history (i.e. the past) and the next situation (i.e. the future). Culture includes the historical heritage we

have received, in multiple and different ways, such as family education, school curricula, the press and audiovisual media, the literary heritage in all its forms, the inherited wordings we repeat like adages and proverbs that work on transmitting this heritage from generation to generation. And this is what we have agreed on calling "the cultural heritage".

If we take into consideration the fact that the cultural heritage is influenced by many factors, such as the economic, social, religious, regional and political factors, as well as other factors, we can assert that individuals and groups are affected differently by this heritage. Some consider this is the culture of poverty versus the culture of luxury, or the culture of religiosity versus secularity, or the rural culture versus the urban culture, or the culture of the right versus the culture of the left, there is also the culture of ignorance versus the culture of consciousness etc... but at the same time, there is something that is common to these cultures and constitutes a cultural heritage which is recognized as a result of many factors, including:

1. The poles of power that control the accepted social values such as the existing political system, the religious institution, the dominating political parties or those that impose their influence. These poles are the ones that control the prevailing culture and feed the cultural heritage through the use of many tools (that they control), namely the educational institution and the related curricula, the various media (press and audiovisual), the laws and legislations system, the religious institutions (mosque/church) etc...



2. The political and economic circumstances that the society is going through and which usually strengthen or weaken the aforementioned poles of power, directly or indirectly.

Based on the above, there is a cultural heritage that is formed in different ways, and in which individuals are affected differently according to the degree of involvement they have and the support they provide to the aforementioned poles, and also according to the effect it received (whether positive or negative) as a result of the change in the political and economic circumstances. However, a dominant culture appears in society, and soon becomes the major reference for living and dealing with people, although, as we have mentioned before, it affects people differently or, to be more precise, more or less strongly. But this dominant culture works anyway on reproducing the cultures of authoritarianism, blind obedience, hierarchy, dependence... etc. The more it is linked to the poles of power, the more the economic and political circumstances allow it to do so. This culture contributes to promoting the culture of submission and silence amongst the most vulnerable or the excluded (males and females) from those poles (poles of power), which leads to the emergence of the culture of discrimination in all its forms, such as discrimination based on religion, race, color, sex, or what is called gender-based discrimination. This causes the weakening of these categories in such a way to prevent them from having control over their different decisions that touch their lives directly, but such decisions related to the destiny of any of them may be the ownership or in the hands of another party, who is usually the strongest party who has power especially that the relationship between the poles of power and this culture is controversial, meaning that this culture usually enhances the position of people who detain political, social, economic and religious power, while they work on entrenching this culture in order to consolidate the poles of power they enjoy. sincere and their bodies have resistance."

### **The dominant culture and its link to the child marriage**

The issue of child marriage is a prominent example of the content of the introduction I gave about culture. Through a simple analysis of the issue of child marriage, we can conclude the following:

#### **1. In the concept**

- Child marriage issue has been linked to the dominant social culture which considers that the women's body is a "aura" (a private part that should not be exposed) and that the honor of societies depends on the preservation of the "honor" of the girls and the women which is defined as the capacity to preserve the body, to prevent it from being touched with or without the consent of the girl/woman unless by the person who is permitted to do that by the dominant culture, and that if it is touched by persons who do not have the permission to according to this culture (whether it is a social or a religious one), shame shall be bestowed on the woman/girl as well as on her family and her clan and maybe on all her community.
- The girl's body or attitude is the cause of committing a possible sin, consequently she is responsible in all cases for any sin taking place.
- The distribution of roles that throws the burden of providing for the family on the man's shoulders and puts girls and women in the position of dependent, which means that if the financial situation of the family deteriorates, the possible solution will be to marry the girls in order to get rid of the material burden of providing for them.





- This distribution of roles is also behind the exclusion of women and girls from decision making as far as their life is concerned. This makes the decision dependent on the males of the family (the father, the brother) in the case of nuclear family, or the rest of the males of the family (the grandfather, the uncle, the cousin...) in the case of the extended family or in case of absence of the father and brother of the nuclear family, when all decisions are referred to the males of the family according to the kinship order. Therefore, the man becomes responsible for determining the future of the girl ("a girl is made for cooking even if she goes to Mars").

## 2. In the poles of power

These societies are patriarchal societies, the authority of the religious, social, political and economic "fatwas" (final decisions) has been given to men exclusively, as a result of accumulated facts that we will not dwell on in this paper. So, religious fatwas have been issued, allowing child marriages and even calling for them and in a radical way (such as the fatwa of infant marriage in Saudi Arabia). The curricula have worked on entrenching this, similarly to the colonialist trend that established curricula that would produce generations of reciting persons rather than generations of thinkers, so that they cannot question the use of colonialism or analyse the positions of colonialist powers which, even if they withdrew militarily from the countries they used to occupy, are still colonizing them economically and intellectually, and in accordance with their own interests. This has led to the entrenchment of cultural decline inside these curricula and prevented from creating a generation of people who are capable of getting rid of the remnants of the underdeveloped culture because getting rid of these cultures open wide the horizons for them to think and reflect on more important issues. Instead, they were limited to reflecting on minor things and thus fixing the authority of the poles of power, and half of the population represented by women was excluded from the arenas of militancy, thought and innovation, by being confined to their strict space and excluded from the public space.... In addition to the existence of political parties which have adopted this culture and presented themselves to the public as the advocate of this culture that represents the "honor" of the nation.

## 3. In the economic, social and political circumstances

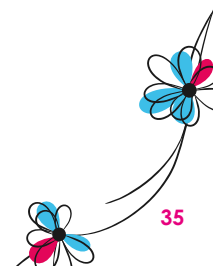
It is worth noting here that the poles of power have used these circumstances in order to consolidate their positions, and find quick and cost effective solutions rather than strategic ones, especially that strategic solutions require sometimes to reverse the trend against the poles of power. Therefore, the issue of child marriage has been considered as one of the issues that can contribute, as practical solutions, to solving many problematic issues related to these circumstances. In fact, in case of difficult economic situations, child marriage means a reduction of the cost for the family provider, and in case of unstable political situations, the people of power exploit the circumstances in order to submit the society to a state of fear and panic which requires prompt solutions such as protecting minors from marriage and calling for a protective discourse in the interest of the people. This would entrench their influence first and foremost as guarantor of the people, accusing others who are against this discourse of being used by the West to establish colonialist interests, therefore the people should choose who would be entitled to preserve the cultural heritage away from the Western culture.

## **Wars and armed conflicts are favorable for the culture of underdevelopment**

The state of wars and armed conflicts create a state of fear, terror, displacement, poverty, deprivation...etc. which has many consequences:



- The state of fear and terror creates a state of intellectual instability and search for any means that would instill tranquility of mind, here lies the role played by the religious men as poles of power in order to assert their positions by calling for a return to metaphysics. This is indeed an easy task, since gradually, the human being can get away from logical thinking to throw himself into the hands of the religious men and accepts all that they have to offer without even thinking. One of the things they call for is child marriage because marriage, according to them, is made to provide the girl and her parents with “preservation of public decency”.
- The cases of war and armed conflicts mean very simply the inability to ensure security and safety for the members of the family (which is the responsibility of the males of the family according to the conventional distribution of roles). In a conservative culture, what is a matter of real concern is the issue of sexual aggressions or harassment on girls and women... Here comes the role of the occupant in raising these fears, as it was the case during the 1948 war in Palestine, when some limited cases of sexual aggression were organized and rumors about the rape of women in whole villages were spread, causing terror amongst many families who chose to leave their homes and seek refuge in neighboring countries in order to avoid that the honor of the family be “tarnished” and its reputation harmed. This was one of the major factors which contributed to fixing the influence of the occupant through emptying and occupying many villages and towns. In the aftermath of the war, many of the families who were internally displaced or remained in their homes, chose to keep the girls away from the streets and not to send them to schools in order to prevent them from being harassed. One of the solutions to this issue was child marriage for the members of the extended family, the tribe or the community... The same scenario was repeated in the aftermath of the 1967 war, when full villages were evacuated (such as Emmaus, Yalu, Beit Nuba) or many fled outside the country. Then during the occupation and as a result of the existence of many military checkpoints between villages and between cities, the girls had to cross these checkpoints to get to their schools or universities which was a reason for fear and for choosing marriage as a solution. The scenario was repeated again during the first intifada (1979) when many schools and universities were closed. The choice was again that of child marriage in order to get rid of the burden of their presence at home on one hand and the economic cost they entail on the other hand.
- The places for refuge especially during the first period (the period of displacement) are not safe places, in general, which causes fear and offers marriage as a solution to protect the girls from danger.
- The economic situation of the displaced families pushes the parents to think of any means that would allow them to make enough profit to provide for the basis needs. In this context, some economic poles of power appear for trafficking in girls in different ways such as marrying children for limited periods of time or permanently but the outcome always falls under the issue of marriage of minor girls who are not capable of determining their needs or controlling their fate, or choosing the best future for them, especially that they move from one male authority to another male authority which may be the most violent. They pay for this in many aspects, like health, psychological, social and economic aspects and they are even exposed to violence with no capacity to resist it...





## The protective measures

When we talk about the issue of protection, we must start by asking an important question: "For whom shall we ensure protection?" or in other terms, what is the definition of "protection" that we are looking for? Shall we protect the victim or the torturer? Shall we protect the vulnerable or the strong? Shall we protect a cultural system or shall we protect the girls?

The measures that are taken and that were exposed before indicate that the protection systems followed, including the tendency to opt for child marriages, represent a protection for this cultural system and a protection for those who are already protected by this system, while they work on increasing the oppression of the vulnerable groups including the minor girls who are married to protect the reputation of the family and the reputation of the clan, to stick to the traditions and customs, to protect some of the members of the family from poverty at the price of relinquishing the protection of children who are forced to marriage and deprived of their simplest rights represented in the completion of the childhood stage in health, cultural, social and economic safety... and to accept the reality that we are living in and consequently not to ask for changing it, which means to protect those who are benefiting from this situation, and run away from real confrontation towards cheaper solutions. This allows also providing the aggressor with mechanisms that he would use against us at any time, so we undermine all bases for correct developmental processes whether social, economic or cultural. Child marriage only means:

- Reproducing ignorance and underdevelopment
- Reproducing poverty
- Reproducing oppression
- Reproducing disease

Based on the analysis above, on the cultural system and its relationship with the modes of life that we are witnessing, it appears to us that the issue of child marriage is a subject that fully depends on three main factors: fear from sexual harassment, poverty, insecurity and lack of safety. Since these three factors get more serious during armed conflicts, wars and occupations, there is a strong link between child marriage and the emergence of such cases, as a kind of protection. The situation of the Palestinian women, the fear from checkpoints and harassment by soldiers, the kidnapping of girls and women, the kidnapping of women and girls by Daech in Iraq and Syria and other situations are a proof of the exacerbation of the cases during occupation and armed conflicts and recourse to child marriage. The situation of the Syrian women refugees and the poverty they are suffering from, the feminization of poverty and the consequent displacement, insecurity and lack of safety and decent housing, applies to the third case. But all these solutions are "virtual" solutions or "temporary" solutions that do not uproot the problem but exacerbate it instead.

If we examine the international conventions and instruments, whether those mentioned in the international human rights law or in those foreseen by the international humanitarian law, we find that there are many conventions, regulations and decisions that took this into consideration when they dealt with the three previous issues, specifically when they stipulated the following:

- The protection of women and girls from sexual harassment during armed conflicts
- Economic empowerment and financial assistance
- The assurance of safe shelters for male and female refugees.

In this regard, we can talk about the 1966 International Covenant on Civil and Political Rights which entered into force in 1967. This Covenant granted importance to this subject, obliging the





member states to adopt and apply legislations that guarantee the respect of human rights, including preventing discrimination and rendering accountable all those who practice violence against women. It also foresees to oblige the states to respect this, in time of peace as much as in time of war, and during ordinary and exceptional circumstances.

Moreover, there is the Declaration on the Protection of Women in Emergency and Armed Conflict which was adopted and proclaimed by virtue of the UN General Assembly Resolution 3318 on the 14th of December 1974.

There is also the International Refugee Law represented by the 1951 Geneva Refugee Convention which granted special attention to providing protection to women without expressly mentioning them.

Since 75 to 80% of the displaced persons, according to the High Commissioner for Refugees, are Internally Displaced Persons (IDPs) and not refugees because they have not crossed international borders, and in order to ensure international protection to those displaced persons, the UN Secretary General Representative Frances Dwyer prepared a guideline on internal displacement. This document entrenched the principle of non discrimination clearly and indicated many times the women's needs. The fourth principle stipulated that "these principles apply with no discrimination of any kind based on race, color, sex, etc... The principle itself allows granting some groups, including pregnant mothers, mothers accompanied by children and the females who are the family breadwinners, special protection and assistance as required by their situation and a special treatment as required by their special needs... the States are also bound to respect the legal personality of every human being<sup>23</sup>.

As for the Rome Statute which established the International Criminal Court, it recognizes for the first time rape and the other types of sexual aggressions as war crimes, but it fails to classify them as grave violations. According to Article 7 of the UN Charter, crimes against humanity are defined and rape, sexual enslaving, enforced prostitution, forced pregnancy, or any form of equally grave sexual violence are mentioned. As for war crimes which include what happens during internal armed conflicts too, the Rome Statute considers them (80) as "outrages upon personal dignity, in particular humiliating and degrading treatment" in addition to rape, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence constituting a grave breach of the Geneva Conventions. The State parties have to take the necessary measures to stop all acts that are in contradiction with the provisions of this Convention.

The problem in the above is threefold:

1. All the above has not dealt with the issue of child marriage directly, and has not set sufficient measures to settle the issue, especially that the issue of child marriage has remained under the International Human Rights Law. This Law is not binding for the States in peace time and does not deal directly with the issue of migrant women and displaced women.
2. Even the sexual aggressions and other kinds of aggression as mentioned in the International Humanitarian Law have not been considered as grave breaches, which means that what can be mostly done is obliging the parties to take the necessary measures to stop all acts that are in contradiction with the conventions without setting punitive measures or legal proceedings against the perpetrators.

23 Campanaro, «Women, War and International Law,p.p.2568-2572







3. There is no real political will amongst the States to follow up the things with the failure to deal with the issues as being essential and important issues or to incorporate them to the agenda. Such issues are usually ignored by the negotiators and others since they are considered as secondary and not a priority.

Therefore, the UNSC Resolution 1325 was issued in 2000 and, for the first time in a hard work journey that lasted many decades and was led by women movements and local and international human rights organizations, it came to highlight the central position and role of women for international peace and security and to express the International Community's consciousness of the gravity of the violence against women and the serious wish to work on ending this phenomenon. This means the need to involve women in exposing their problems and the girls' problems including child marriage.

General Recommendation No 30 on women in conflict prevention, conflict and post-conflict situations, related to the CEDAW came to bridge the gap between the issues of women in time of peace and women in time of conflict and post-conflict. It is important because it reiterates that "State parties' obligations continue to apply during conflict or states of emergency without discrimination between citizens and non-citizens within their territory or effective control, even if not situated within the territory of the State party..." Which means that what is mentioned in the Convention about child marriage applies to female refugees and displaced. The host State should thus abide by that. It also covers the prevention of conflict, the international and non-international armed conflicts, the situations of foreign occupation (and this is important because it is not covered by Resolution 1325), as well as internal disturbances, protracted low-intensity civil strife, political strife, ethnic and communal violence, states of emergency and suppression of mass uprisings, war against terrorism and organized crime...

In this regard, we mention some of the major guidelines of the Recommendation which concern the subject of this paper:

- protection of women's and girls' human rights, including access to basic services, during fleeing, displacement and in the context of permanent solutions;
- treating specific risks and meeting the special needs of all displaced and refugee women categories;
- ensuring protection and assistance to internally displaced women including their safety against sexual violence, including forced marriage and child marriage (Article 58-d);
- Concerning Articles 15 and 16 of the Convention, the Recommendation mentions clearly the following: "Inequalities and family relations impact women's experiences in conflict and post-conflict situations. In such situations, women and girls may be coerced into marriage to placate armed groups or because women's post-conflict poverty forces them to marry for financial security, affecting their rights to choose a spouse and enter freely into marriage, as guaranteed by article 16 (1) (a) and 16 (1) (b). During conflict, girls are particularly susceptible to forced marriage, a harmful practice which is increasingly used by armed groups. Families also force girls into marriage due to poverty and a misconception that it may protect them against rape."

Therefore the Recommendation mentions specifically in Article 65:

"The Committee reiterates its general recommendations No. 21 (1994) and No. 29 (2013) and further recommends that States parties:



1. (Prevent, investigate and punish gender-based violations such as forced marriages, forced pregnancies, abortions or sterilization of women and girls in conflict-affected areas;

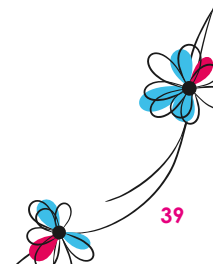
## What are the measures that can protect the girls from child marriage under armed conflicts

**1- Strategic measures:** They consist of changing the cultural heritage which considers that child marriage is legal and accepted, at both the official and popular levels. Actions at the official level include setting laws and legislations that prohibit child marriage and render accountable anyone who breaches that, whether tutors, religious men or other persons of influence. Actions at the popular level mean the creation of a culture that respects the girl as a human being who has her own entity, aspirations and horizons and has the right to self-determination when she is old enough to do it. This also means to work on changing the gender-based stereotyped role structure through the school curricula, the media, the seminars, and other means. Stress should be put on avoiding to incriminate the victim in cases of rape or harassment, but rather work on protecting the victims and dealing with them as such, which means that panicking should be avoided during wars about the possible occurrence of such harassment, which if it is not present anymore in our culture, will sure not be used by the enemies. Girls should also have access to and enjoy all available social resources including education, economic empowerment, access to free health services and different awareness raising programs.

This requires a strong presence from the part of women organizations and human rights organizations which should work with the official institutions and the UN concerned agencies in order to follow up the implementation and enforcement of the international conventions related to women's rights especially the CEDAW and the General Recommendation No 30 on women in conflict prevention, conflict and post-conflict situations, while asserting the importance of finding a real international political will setting the follow-up mechanisms and rendering the States accountable for committing or not to the conventions they are signatories to.

The Governments and the International Community are urged to take special measures that end impunity, and guarantee sufficient protection for women and girls especially during democratic transition.

**2- Practical measures:** They require from relief agencies specifically, whether at the national or international level, to provide particular protection to women and girls and ensure shelter places that would reassure the parents, to incriminate the acts of trafficking in girls and women and to take the necessary measures to protect them. This also requires from the international organizations to set special programs and establish inquiry missions to follow up, to set economic empowerment programs for women and girls breadwinners in such a way to avoid looking for solutions that come at the expense of the girls, and to provide free access to necessary education and health services.





## Baseline Study on girls and women trafficking in the villages West of the Nile Guiza province - Azza KAMEL



### Purpose of the study

In order to facilitate intervention and addressing the phenomenon of girls and women trafficking in the targeted villages, we need to carefully study and analyze the current situation in the targeted villages where the phenomenon of girls and women trafficking strongly prevails and affects a large number of women. It also poses a threat on other girls and women in those communities and results in heavy psycho-social and health repercussions on affected categories.

### Overall objective

The study aims at reviewing the current situation of girls and women at risk or victims of trafficking and identifying their living conditions and those of their families.

In order to achieve this, the following has to be identified:

- Scope of the problem (number of trafficking cases) on average at community level
- Awareness of the targeted category of the issue its dimensions and risks and attitude towards it.
- Needs/capabilities/aspirations/inclinations/desires of current victims or persons at risk
- Feeling of self esteem by current victims
- Role of the parties benefitting from this phenomenon and their motives



Me. Izza KAMEL

### Selection of the community subject of the study and the sample

The benefitting centers and villages (Hawamediya city, Manil shiha village, Al aziziya village - in Guiza province) were selected as targeted community for the project interventions.

The targeted categories identification and the sample choice were made based on information gathered from the community mapping and stakeholders' analysis and based on the outcome of the discussions during the workshop and the meetings of the consultants team conducted at office level and in the field pertaining to the monitoring and evaluation, and the review of the projects outputs and goals as well as the review of past documents and studies.

### Results of the baseline study

Scope of the problem: Number of girls' trafficking cases

Based on the interviews conducted and according to the partners, the overall number of such marriages reached 5000 most of which are customary marriage (Urfi marriage) contracted by a lawyer in agreement with the middleman, the girl's family and the Arab man. However the number of cases officially registering this marriage according to the law and the Sharia do not exceed 100 cases.

Scope of the problem: Number of girls' trafficking cases

The team also identified few cases of short term marriage for pleasure (Mut'ah marriage) that resembles prostitution to a large extent. In fact, all such marriages generate large and unusual





returns to these poor communities although such returns may seem valueless in the neighboring urban communities. In addition, some participants mention the existence of more than 80 domestic helpers aged between 14 and 18 working in Al Maady and New Egypt neighborhoods who usually help their mothers as domestic helpers with cleaning and washing chores.

### **Nationality and age of the men**

Most of the participants mentioned several Arab nationalities in deal marriages in Hawamediya and the surrounding the first being Saudi Arabia, followed by the United Arab Emirates and the Kingdom of Jordan and Kuwait. In the last few years there has been an increase in the number of Emirati men contracting such marriages and some of the local inhabitants make jokes about it by saying "the region here is now the 7th Emirate of the UAE".

### **History of Girls' trafficking in the Egyptian community**

The phenomenon of marriages between Arabs and Egyptian women in this region started in the early nineties and continued to increase in scope until it started to stabilize with maybe a slight increase in the past nine years. It also deviated from the initial legal and moral framework of the official religious marriage when old and disabled men started marrying young girls and then the number of marriages started to decrease in the past two years due to the following:

Difficulty to obtain a marriage authorization from the Embassy of the Arab man, and because Saudi Arabia does not impose the need to get a pre-approval for the marriage of Saudi men outside the Kingdom, Saudis became those who married most in this region.

Media outcry about this phenomenon, shaming it and raising awareness about it affected the inclination of Arabs to marry from these regions in Al Guiza. The community perception of this phenomenon as such marriages became shameful to the family and the girl especially when it comes to customary or for pleasure marriages (Urfi or mut'ah).

The little financial income that the family gets from such marriages compared to what they used to get in the past, as the middleman and the lawyer take the largest share of the amounts paid by the Arabs for such marriages.

The decrease in the number of Arabs coming to Egypt because of security concerns amongst tourists and Arab visitors who come to marry Egyptian girls during their stay in Egypt.

Living conditions of those at risk or current victims of trafficking

### **Sources of income**

Those girls or divorced women do not have any source of income and rely essentially on what the family has received as funds upon their marriage. They also rely on the father or the older brother who provides for them. The girls and women spend on food and clothing and on their children in case they have children. There is a wide gap between the income and the spending that is bridged either by the assistance and aid received from some associations or through borrowing from family members or parents.

There are many families that do not allow their daughters to work either before marriage or after divorce fearing they might be kidnapped, raped or victims of harassment. Thus those girls do not have any source of income.





### Reasons and motives for marrying an Arab

The reasons and motives that may push a girl to think about or be inclined to make this kind of marriage are numerous and they mainly evolve around economic motives like for instance:

- Poverty in the family and lack of financial resources with the absence of a steady source of income
- Large number of family members especially girls which prompts the girl to “sacrifice herself” and accept a deal marriage for the sake of her brothers and sisters.
- Unwillingness of the families and girls to marry Egyptian men from the community due the exaggeration in wedding expenses by Egyptian men especially that the village traditions impose on the girl's parents to share the wedding expenses equally with the man.

### Reasons and motives for marrying an Arab

Follow the example of some successful marriages with Arab men where the girl's conditions considerably improved and they became very wealthy and this made marriage with an Arab man a dream for all. They say “the girl thinks that she is going to live better....she wants a different life”.

### Reasons and motives for marrying an Arab

The customs and traditions prevailing in the community with relation to the dowry, wedding expenses and exaggeration in the wedding expenses by Egyptian men in addition to the inability to pay the expenses of the bride's trousseau according to the traditions and customs with wedding expenses varying between 20 and 50 thousand Egyptian pounds. All of the above is coupled with the customs that cost the family a lot of money after the wedding and during one month or two that follow – with the family having to send dinner to their daughter who got married for a period of 4 to 7 weeks. Some say “

“When the family's condition is not very good, they should marry their daughter to someone from abroad” and “A bride's trousseau is very expensive, the least being between 20 and 50 thousand.... So the father would better sell a plot of land to marry her in the country.... Or receive some money and return from marrying her to an Arab”.

- The desire to increase the family income and build fancy houses by marrying the girls to Arabs and improving their social status by increasing their financial standard.
- Dropout and school failure especially at the Brevet or Baccalaureate levels
- Increased value of early marriages and fear from celibacy push families to marry their daughters some years before they reach the age of twenty in an attempt to protect them against risks and delinquency.
- Ill treatment of girls at home push them to accept to marry an Arab and at a very early age.

### Education

Pursuing the education of a girl and the acceptance of her family are linked to a number of factors:

- The family's economic status
- The desire of the children to pursue education

Families that have the means enroll their daughters in education and they aim at excellence too, whilst poor families content with providing primary and preparatory education or technical Baccalaureate at most.

The Quality of education and its circumstances as well as the girl's readiness to succeed





encourage the families to educate their girls until the preparatory or secondary level. However, low quality education and bad treatment by teachers as well as harassment of the girls by some students contribute to the refusal of girls to pursue education.

Girls' school enrollment rates are weak due to the following reasons:

- Giving high importance to girls early marriage, with the common saying "marriage protects girls"
- Giving little importance to girls' education in the community as they consider that she will certainly get married and thus her education is a waste of time and money and she will be more secure if she stays in the family home until her husband comes.
- Large families and high number of girls gave more importance to girls' early marriage over their education.

Awareness of the issue, its dimensions and risks by the targeted categories and their attitude towards it

### **Awareness level of married women or those who went through the marriage experience**

We came to conclude that the level of awareness and sensing the seriousness of the problem was too low amongst women married to Arab men. It even became clear that there was some contradiction and carelessness about the seriousness of the problem despite their complaints as well as those who went through the same experience about the repercussions and various problems ensuing from separation and returning to the family home with a pregnancy or a child without identification documents or acknowledgment of paternity from his Arab father. The only thing they care about in this marriage is money.

### **Awareness level of girls at risk**

Awareness of girls at risk of marrying an Arab man is higher than that of girls who have gone through the same experience. But they still want to imitate the successful experiences of the eighties and live them again hoping for the money, the gold, the clothes, the presents and the happy life according to them.

Under the influence, the tricks, the conviction and the negotiation skills of the middleman the girls at risk find themselves accepting to fulfill their desires and dreams despite the many cases that clearly failed and suffered a lot as a result of these uneven marriages.

### **Awareness level of the parents of girls at risk**

Contrary to the low levels of awareness about the seriousness of the problem, we found a relatively high level of awareness amongst the parents of the girls at risk. In fact, despite poverty and the desperate need to increase their living standard they rejected these marriages and sensed some risk threatening their daughters. Some of their motives for refusing were that this kind marriage is usually unofficial (Urfi) and very quickly turns into marriage for pleasure in order to cash the amounts that are paid in the beginning. Usually a large part of this amount is paid to cover the wedding and the ceremony and there is no delay and no place for matrimony. Some even say when speaking of this risk "If the girl finds herself pregnant where do we get the husband from?".

### **Awareness level of fathers of married women**

Contrary to the level of awareness about the seriousness of the problem amongst the parents of girls at risk, we found almost complete ignorance amongst the mothers and fathers of women married to Arab men about their daughters' legal and financial rights and very few are the fathers who are aware of their daughters' rights in case they marry Arabs and those rights are in their opinion the alimony and the delay in case of divorce.







## Community's perception

The community looks at women affected by deal marriages with humiliation and disdain. Men give those women bad hostile and exclusionist names and assert that they come from migrant families and not from the original families of the village. As for women of the village, they usually badmouth these girls using bad terms and gossiping about them saying that they were dishonest girls who sold their honor with the help of their families.

But there is a small category of people who sympathizes with the cases and considers them victims of the moral and socio-economic conditions. This is a small category of the society and usually those are the educated and those who work in the developmental, social and civil fields.

## Self perception

Most women whether divorced, separated or married perceive themselves as cheap and as victims of trafficking once and then they become themselves traffickers because of what happened to them and the rejection and hostility towards them by the community. Some of them and despite the stigma, consider themselves better off than Tamwah girls they even say "the woman here have married once but if you go to Tamwah you will find women who do not even know how many times per month they get married!" We have become a business. The middleman comes and says to the girl listen I need you for a business for 10 days and after that you can ask for divorce.

## Family perception

The girl is perceived by the family as merchandise that must be used to generate profit by marrying her to an Arab. She is viewed as source of money to help the family build a house, buy a plot of land, open commercial businesses like a supermarket or help her brother or father find a job opportunity abroad in the country of the Arab husband. The family and other families in the community have a harsh look at the girl in case she divorces or separates from the Arab man because they blame the failure of the marriage on her and rush to re-marry her to the first man who proposes without any condition regardless of whether he is an Arab or an Egyptian. The woman becomes the decision maker in her relation with her Egyptian husband or any other man after her failed experience.



## Parties that might support trafficking

### Reasons and motives

Party	Position (supportive opposing)	Reasons and motives for support/opposition
Middleman	Supportive	<ul style="list-style-type: none"><li>• Biggest beneficiary of girls' marriages with Arabs in view of the high return that is sometimes twice or three times higher than the amount received by the family</li></ul>
Father	Supportive	<ul style="list-style-type: none"><li>• Due to the financial return from the middleman</li><li>• Evading high expenses in case she marries an Egyptian</li><li>• Improved Social Status in case marriage succeeds</li><li>• Job opportunities through marriage for the father or the boys in the family</li></ul>
Lawyer	Supportive	<ul style="list-style-type: none"><li>• Girls' marriage is considered as high financial return to the lawyer. In case a problem occurs, it is a financial gain too because he is the one who will take care of all legal procedures thus making more profit</li></ul>
Mother	Passive opponent in some cases	<ul style="list-style-type: none"><li>• Fear for her daughter from what she hears about girls living abroad</li><li>• Some mothers say "they make the girls work as dancers or prostitutes"</li><li>• Desire to keep her married daughter close to her</li></ul>
The girl herself	Supportive in many cases	<ul style="list-style-type: none"><li>• Improve her economic situation and that of her family</li><li>• Improve her living standard and that of her family</li><li>• Leaving the village taking the plane and travelling to discover new countries</li><li>• An alternative for marrying an Egyptian and suffering and possible mistreatment from him or his family</li></ul>
Relatives (Uncle, brother, grandfather)	Supportive	<ul style="list-style-type: none"><li>• Evading responsibility for the girl and reassuring themselves of her</li><li>• Evading wedding expenses for the girl</li><li>• Improving the economic standard of the family</li></ul>





## The role played by the lawyer, the middleman, the formalities' pursuer (broker) and how they perform this role.

Party	Role played	How this role is performed (ways, means and connivers)
Lawyer	Drafting contracts and brokerage at the same time Handling everything on behalf of the girl upon buying plots of lands or contracts	<ul style="list-style-type: none"><li>• Agreeing with the middleman on the fees, drafting the customary marriage contract at his office, registering it at the real estate registry or through fraudulent means with the family court</li><li>• Becomes the girl's representative in all legal matters, although most lawyers do not care much about the girls but rather about money and fees</li></ul>
Middleman	Mediation between the husband and the bride's family	<ul style="list-style-type: none"><li>• In the beginning, this middleman would know the Arabs has strong relations with them knows where they can be found, maintains contact and coordinates with them to know what they are looking for in a bride and he selects the girls that he believes match those specifications Some middlemen use some village inhabitants to collect from them information about the circumstances of the families which ones are the most vulnerable and have daughters who are potential candidates for such marriage and then establishes contact with them.</li><li>• He convinces the bride's family and arranges a meeting between the girls and the Arab man to allow him to choose amongst them then the middleman makes all financial deals with the man and then agrees with the bride's family on all financial details without any intervention from the man</li></ul>
Broker	Usually she is the wife of the middleman and she performs exactly the same roles as him with a greater focus on convincing the bride of the groom and his capabilities (offers attractions to the girl to convince her) According to those who were interviewed there are no brokers in the village playing this role the middleman's assistant is in fact his wife However there seems to be a lady in the village but nobody wanted to speak about her or say what she does with these cases.	<ul style="list-style-type: none"><li>• Gathers accurate information about the girls to offer them to the Arabs</li><li>• Helps the middleman in the choice of the girls</li><li>• The broker convinces the girl by offering her financial and moral attractions if she marries the Arab and explains to her the social and financial status that she will enjoy if she marries the Arab man and encourages her to disregard his vices.</li></ul>





## Child Marriage in Lebanon – Dr. Faysal AL-KAK



Dr. Faysal AL-KAK

### Overview of the situation of child marriage in the Arab region and around the world

The right to choose a spouse and to enter into marriage whenever the person desires and the way he chooses, is one of the most important acquired and legitimate rights for individuals wherever they are and regardless of their belonging. It is one of the important life decisions that nobody can take on behalf of the concerned person. Therefore, a marriage decision has to be taken based on the complete free will of the person away from any coercion, fear or pressure provided that the person is an adult. Almost all countries agree on that, and the Human Rights instruments like the Child Rights Convention (CRC) and the Convention on the Elimination of all forms of discrimination against women (CEDAW) prohibited child marriage. Article 16 explicitly stipulated the right to protection

against child marriage “the betrothal and the marriage of a child have no legal effect, and all necessary measures will be taken including the legislative ones to specify a minimum age for marriage and to make the official registration of a marriage in a registry compulsory” [1].

This convention was followed by the CEDAW recommendation no 21 that stipulated “the minimum age of marriage should be set to 18 for both men and women and this is in line with the provisions of the Child Rights Convention [1]. The Beijing declaration and platform for action of 1995 urged all states to commit to issuing strict laws setting a minimum age of marriage and consent in respect of the person’s humanity. The International Conference on Population and Development (ICPD) called upon all States in 1994 to end child marriage and enforce laws that guarantee free and full consent.

The Islamic Sharia did not set an age for marriage but a group of scholars authorized the marriage of a child i.e before puberty but the personal status laws in the Islamic states set an age for marriage. For instance, the Jordanian personal status law in its article 10 stipulated the following: a precondition for the ability to conclude a marriage is that both spouses should be adult and should have completed 18 years of age. But in some special cases, the judge may give a marriage authorization to someone who is 15 years of age.

The personal status law in the United Arab Emirates in article 20 paragraph 1 stipulated that the minimum age for marriage for boys is 18 and for girls 16. As for the personal status law in Syria it





set the minimum age for marriage for boys at 18 and for girls at 17 and exceptionally authorized boys to marry at the age of 15 and girls at the age of 13 provided they get an authorization from the judge and from their guardian. As for the personal status in Tunisia it stipulated that both boys and girls have to be 18 years of age.

Similarly, the European laws set a minimum age for marriage; the French law set it at 18 for boys and 15 for girls the German law set it at 21 for boys and 20 for girls and the Swiss law set it at 20 for boys and 18 for girls.

The religions also set the marriage age, with the Jewish law setting it at 13 for boys and 12 for girls. As for the Roman law, it set the marriage age at 14 for boys and 12 for girls.

Around the world, the age of 18 is the legal marriage age but many countries authorize marriage under this age provided that they get the authorization of the parents and the judiciary authorities. More than 30 countries allow children to marry at the age of 15 or less provided they get the authorization of their parents. Many other countries allow girls' marriage (with authorization) at an age younger than boys; this clearly shows that child marriage is a gender based phenomenon.

The World Health Organization (WHO) issued a joint press release with the United Nations Population Fund (UNFPA) and the non-governmental organizations (NGOs) working in the field of mother and child health in March 2013, stating that one out of seven girls gets married before reaching the age of 18 [2]. The same press release estimates the number of girls married at an early age between 2011 and 2020 to more than 140 million i.e an average of 39000 minor girls every day [3]. The highest early marriage rates i.e before the age of 18 are in Southern Asia and touch more than half of the girls while this phenomenon touches around one third of the girls in the African sub-Sahara [3] table no 1.

As for the Arab region, and based on the results of the PAPFAM, the highest rates of child marriage are in the low income countries (the annual per capita income less than 2000\$ in 2011) in Yemen (32%), in Sudan (33%), in Somalia (45%), in Southern Soudan (52%). Early marriage is a rare phenomenon in Tunisia, Algeria, Lybia (2%) while Egypt has the highest numbers of child marriage in view of the population density (17%) [4,5] –table no 2.

In Lebanon, based on the CEDAW report 2006, the age for marriage varies depending on the religion; for Sunni it is 18 for boys and 17 for girls; for Shiite it is puberty – for Druze 18 years for boys and 17 for girls; for Greek Catholics it is 16 for boys and 14 for girls; for Greek Armenian and Assyrian Orthodox it is 18 for boys and 14 for girls; for evangelical it is 18 for boys and 16 for girls; for the Eastern Assyrian church 18 for boys and 15 for girls; for Jews it is 18 for boys and 12.5 for girls [1].

In view of the ongoing crises, 3.3 million persons are at risk according to the monthly report of the United Nations Commission in July 2015. They are divided into 1.5 million Lebanese, 1.5 million Syrian refugees and about 313000 Palestinian Refugee [6]. There was a drop in the Gender Gap Index from level 110 in 2010 to 135 in 2014 especially in the wake of the Syrian crisis in 2012 [7] – table no 3.

## Reasons and motives for child marriage

Child marriage is a serious practice in the name of religion and culture and bears heavy repercussions on the child and her newborn babies and the family as a whole and it also affects



the society on the long run.

## 1. Poverty

Poverty is one of the reasons for discrimination in the society and it is what pushes the youth to marry in order to evade social and financial problems. There are no accurate figures about child marriage rates in Lebanon but what is significant is that the rate of this marriage amongst Syrian children (11) is double the rate amongst Lebanese children (5)- table no 4.

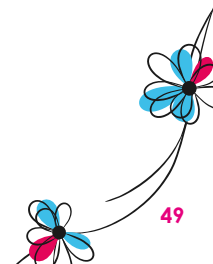
According to statistics conducted by the Central Bureau of Statistics in collaboration with UNICEF on the situation of women and children in Lebanon in 2009 on a sample of 7560 women, the highest percentage of those who got married before the age of 18 was in the poorest regions and more specifically in the capital's suburb where the rate reached 10.5% followed by Mount Lebanon with 7.7% and North Lebanon that scored the highest rate of those who got married before the age of 15 with 3.3%.

## 2. Political and societal reasons

- Roles have been distributed in the society and the stereotyped role of women in the society as housewives was predominant which meant that she had to assume this role early to guarantee success according to the criteria set by the society.
- Bad economic conditions that are an argument for parents most of the time to marry their daughter early and a reason to accept the financial attractions offered by an early marriage that is considered as a good deal.
- The traditional mentality that draws certain preset criteria for marriage like early age and the community's perception of early marriage as being the best achievement for any girl.
- The prevailing perception in the society about the girls who marry late and the limited chances for those who marry late which feeds the parents fears and prompts their desire to marry their daughters early rather than late.
- The return of Salafi movements.
- Customs and traditions: the concept of "safekeeping" or the "best for the girl is to marry her" remains a widespread phenomenon in communities that are living under conservative and backwardist rules.
- Conflicts and wars: studies and reports unanimously agree that most of the conflicts' victims are women and children because they face higher risks of being exploited or sexually assaulted or harassed thus pushing the parents to marry their daughters early because they fear for them and they want to protect their reputation and future. Preliminary results of a study conducted by the faculty of Medical Sciences at AUB on Syrian refugee families in the Beqaa revealed a high rate of child marriage especially amongst families displaced from Syrian urban areas, in a bid to protect them and to evade financial burdens.

The absence of policies and rule of law contribute to the increase in the rates of child marriage as a result of the absence of girls' rights or disregarding them and those are:

- The right to education
- The right to protection from psychological and physical violence, harm or aggression, including sexual aggression, rape and sexual exploitation.
- The right to enjoy the best possible standard of good health.
- The right to rest and have some leisure and take part freely in the cultural life.
- The right to receive care from the parents
- The right to work







## Consequences and repercussions

- Very often girls in patriarchal communities are faced with a number of discriminatory or coercive practices. Very often too they lack empowerment and thus cannot express their needs or their rejection of the injustice that they are victims of. They find themselves silent victims of the various practices and psychological, social, economic, financial and local "accepted" facts. So harm to them becomes something normal and it is the girl's or the wife's obligation to accept it.
- Along with the increasing rates of child marriage, some studies have shown that women between 15 and 18 years of age are twice at higher risk of death during pregnancy and childbirth compared with other women aged between 20 and 24 years of age. Those statistics open the door widely to the issue of rights of minor girls who are at higher risk of death during pregnancy and childbirth. Pregnancy and childbirth complications are the main cause for death in this age category i.e 15 to 19 years. Girls face pressure from their husband's family and the community to give birth shortly after marriage and thus they find themselves at a higher risk of early and recurrent pregnancies with premature childbirth risks, anemia and hypertension during childbirth compared with other older women.
- The World Health Organization (WHO) reports prevalence of violence against pregnant women by their husbands around the world. A pregnant teenager is not spared domestic violence rather the contrary. Many studies in this field show that domestic violence aggravates during pregnancy. Violence during pregnancy may have serious repercussions on the woman's health including severe hemorrhage, premature childbirth, miscarriage in addition to serious behavioral and psychological consequences.
- As for the child's health, there is a growing risk of infant mortality and low weight at birth.

## Health problems

### 1. From the teenagers' psychological perspective

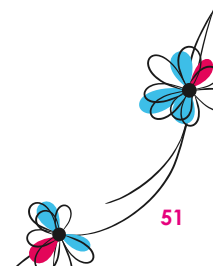
- Psychological and behavioral disorders like concentration and personality disorders and stubbornness
- Psychological disorders like mood swings, anxiety, depression, cognitive and physical disorders, epilepsy, nervous anorexia and schizophrenia.
- Depression started to figure on top of the list of psychological illnesses amongst teenagers and it touches girls more than boys (2/1). It is a serious illness that may result in lifelong sadness inability to work and even suicide.
- A child's marriage may cause her to suffer from deprivation of parents' affection and may deprive her of living her childhood which could lead –when facing pressure- to throwing her back into this stage in the form of mental illnesses like hysteria, schizophrenia, depression, anxiety and personality disorders.
- This may also result in sexual problems in the couple due to the ignorance of the child girl of the nature of such a relationship thus making it difficult and unsuccessful.



## 2. From the teenagers' physical perspective

Teenage is a stage of quick physical growth accompanied with an increase in nutritional requirements to meet the increase in the body size and reinforce the nutritional stock. The body's need of supplementary nutrients increases in the following cases:

- Puberty especially for girls: Female teenagers need supplements especially iron and iodine up to 10% more than boys.
- Pregnancy: especially during the second half and during breastfeeding and this is the reason why it is advised to postpone the first pregnancy until after the age of 18 at least because it might be difficult to meet the additional needs in supplements particularly by low or middle income families.
- During sports and physical activity: swimming, jogging and all types of ball games.
- Living in regions where there is a deficiency in any of the nutritional elements namely iodine, iron and Vitamin A and where the person needs to take nutritional elements fortified with these supplements.
- Those girls face physical problems resulting from their body's non-readiness to enter into such experiences. They may also run the risk of period disorders delayed pregnancies and premature childbirth. Furthermore, there is a higher risk of miscarriages amongst those married women and a higher risk of osteoporosis as a result of calcium deficiency.
- Violence during pregnancy: Usually Violence against women is one manifestation of the unbalanced strength relationship between a man and a woman in societies. It can also take the form of early or forced marriage and absence of information or choice of controlling fertility or even forced pregnancy in the context of marriage.
- The World Health Organization reports violence against pregnant women by their husbands all around the world. Many studies reveal that violence increases during pregnancy.
- Violence during pregnancy may leave serious repercussions on the woman's health, including severe bleeding, premature childbirth, miscarriage and abortion as a result of illegal pregnancies sometimes.
- Teenagers become pregnant as a result of (sexual assault or sex before marriage) because they do not have access to information about contraceptive means. As a result of this, psychological and physical risks for teenagers increase and likewise for pregnancy, miscarriage and childbirth related mortality. The International Federation of Gynecology and Obstetrics (FIGO) considers that responsibility to raise awareness amongst teenagers about sexual and reproductive health lies with the health system and the environment [8].





## Factors influencing pregnancy and childbirth amongst teenagers (minors)

### Biological factors

- High risk of gestational hypertension amongst teenagers
- Teenagers face higher risks during childbirth because of incomplete growth especially the height and the size of their pelvis; their body does not cope well with the weight of the pregnancy as a result of incomplete growth of the pelvis bones and the difference between the size of the pelvis and the head of the baby.
- Higher risk of gestational anemia as a result of certain nutritional deficiencies especially in iron, folic acid and vitamin A.
- Weak follow up during pregnancy and failing to respect the medication prescribed and absence of spacing between pregnancies.
- Due to economic reasons absence of some vaccinations and weakness of the immunity system poses higher risks on teenagers before and during pregnancy.

### Cultural and social factors

- A woman's social status is measured by her ability to give birth and she faces a lot of pressure from her family and her in-laws and from the society as a whole to prove her fertility as soon as possible.
- Due to her social status, the teenager does not have the capability to make any personal decisions. The husband or his parents are considered as the decision makers in the family because of customs, the age difference, the educational level, the sustenance..... In many cases, the older women and the higher in status (the mother-in-law) are the ones who make the decisions relating to her fertility and her use of medical services.

### Factors pertaining to health services

- Scientific studies show that when a girl aged between 15 and 19 years becomes pregnant she is at a higher risk for her life and that of her baby because of customs and social traditions.
- Teenagers are reluctant to get medical care during pregnancy especially in communities where young women are not allowed to make their own choices or act freely when it comes to their health.
- Ignorance of life threatening complications

### Concern about the cost of medical services because the decision is not theirs

- They may prefer to deal with female healthcare providers
- Ignorance of sufficient information pertaining to family planning and use of contraception puts an additional burden on minor girls; close spacing of pregnancies at this age creates health and social complications to the whole family.



### Possible physical and health implications on a teenage mother (minor)

- Period disorder and delayed pregnancy
- Colporrhexis and laceration of other close organs due to intercourse and later on to childbirth
- Higher risk of osteoporosis at an early age as a result of calcium deficiency
- Continuous vomiting during pregnancy and anemia
- Higher risks of miscarriage and premature childbirth due to either female hormones or non-adaptation of the uterus to pregnancy thus leading to frequent uterine contractions followed by vaginal hemorrhage and premature childbirth
- Severe hypertension that may lead to kidney failure, hemorrhage and contractions
- Higher risk of C-sections due to difficult labor
- Higher mortality risks as a result of pregnancy related complications
- Appearance of bone deformations in the pelvis and the backbone as a result of early pregnancy

### Health implications on babies of teenage mothers (minors)

- Fetal asphyxia due to severe deficiency in the blood circulation feeding the fetus
- Premature childbirth with all ensuing complications like: pulmonary distress due to the incomplete development of the lungs, gastro-intestinal problems, delayed mental and physical growth
- Higher incidence of cerebral paraplegia
- Blindness and hearing disabilities
- Death due to infections
- Therefore, folic acid is prescribed to mothers who are in this age category to reduce the incidence of congenital malformations

### Possible psychological implications on teenage mothers (minors)

- Deprivation of parents' affection and deprivation of living childhood which is an important stage of life that if lived well the child grows to become a sound adult. But depriving a girl from living childhood could lead –when facing pressure- to throwing her back into this stage in the form of mental illnesses like hysteria, schizophrenia, depression, anxiety and personality disorders.
- Disorder in the sexual relation in the couple due to the ignorance of the girl of the nature of such a relationship thus making it difficult and unsuccessful. Difficulty to adapt due to the marital problems and lack of understanding by the woman of what her husband means in addition to the family responsibility.





- Addiction as a result of pressure in an attempt to runaway
- Post traumatic effects after the first night; they are a mixture of psychological symptoms ranging between depression and anxiety when faced with similar conditions. Fear is a natural feeling amongst children and those who are under age like fear from darkness or from strangers or being away from the parents and this fear disappears with age. Therefore, fear and everything related to it may accompany the minor if married at this age.
- Involuntary tightness of the vagina (vaginismus) for those who are very young (initially a psychological illness) and what exacerbates it is the fear (anxiety) from the physical harshness of the husband. It is a medical case that requires medical intervention.
- Predisposition to be affected by certain post-childbirth psychological diseases (due to possible psychological illnesses that she might have had before pregnancy)
- Lack of maturity when it comes to decision making with ensuing effects on childcare, relation with the husband and his entourage.

### Possible psychological implications on children of teenage mothers (minors)

- Feeling of deprivation because a minor mother cannot fulfill her duties like a mature mother
- Psychological disorders that may lead to mental illnesses in adulthood like schizophrenia and depression as a result of the child's presence in a social environment that lacks harmony.
- Delayed mental growth of the child due to the absence or weakness of an appropriate educational care because a minor mother cannot fulfill her educational role towards her children.

### Conclusion and recommendations

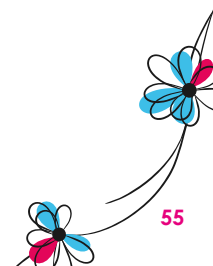
- The need to amend legislations: to limit the differences in the minimum age for marriage, increase it and unify it for boys and girls in line with the recommendations of the CRC in its second periodic review for Lebanon.
- Work on friendly and adapted services
- Work on enacting legislations prohibiting coercive marriage
- Focus on education priorities
- Empowering girls through building their capacities and raising their awareness about their rights in the society
- Gender equality
- Improving the economic and livelihood standards of the poorest families through financial incentives and assistance
- Advocacy with all medical, religious, civil and health concerned organizations
- Community education and raising awareness
- Working with all concerned organizations to reduce and limit child marriage amongst Syrian refugees especially those who have fled from urban areas through education, raising awareness and involving religious leaders by asking them to scrutinize and refrain from authorizing such cases that are put to the religious courts.



Sexual and reproductive rights are part of human rights; they constitute an important part of medical ethics and apply to all women regardless of their age social status, political affiliation, race, religion, economic status, existence of any disability, or any other situation. Therefore, cultural and religious diversity in a country have to be respected in order to provide equal care to all.

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8. *Ethical Issues in Obstetrics and Gynecology*, FIGO Oct 2012 <https://www.glowm.com/pdf/EnglishEthicalIssuesinObstetricsandGynecology.pdf>

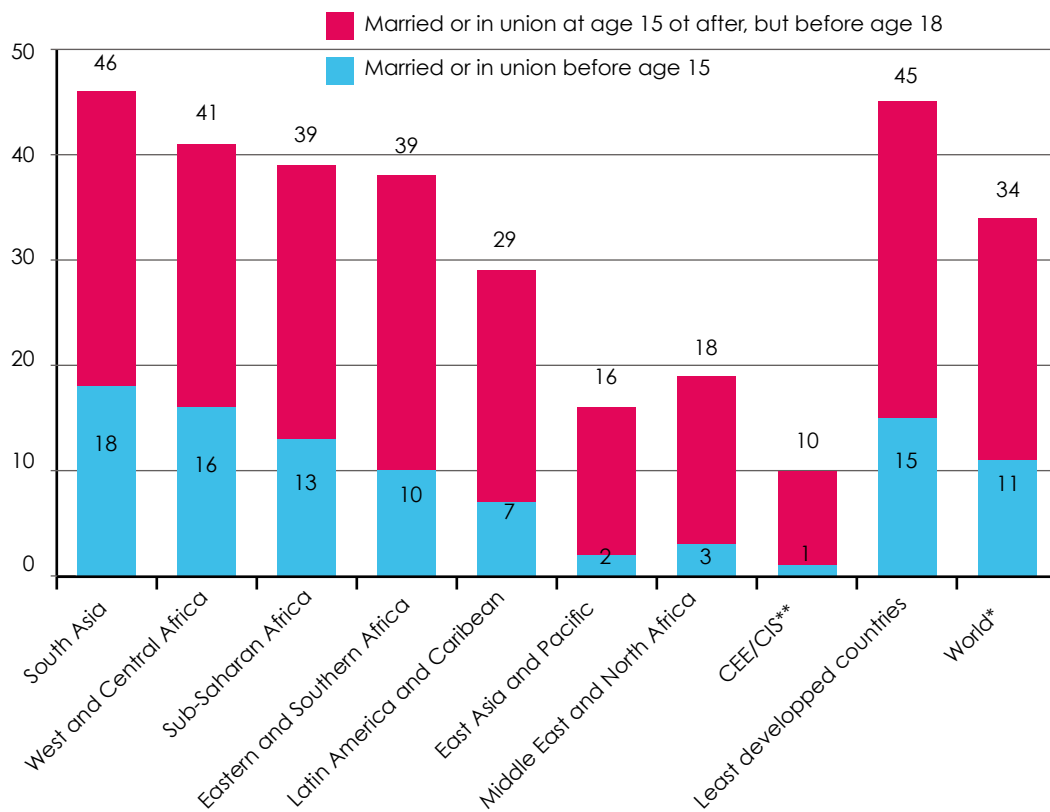






## Annex

**Table 1. Percentage of women between 20 and 24 years of age who were first married or in union by ages 15 and 18 by region**



\* Excludes China.

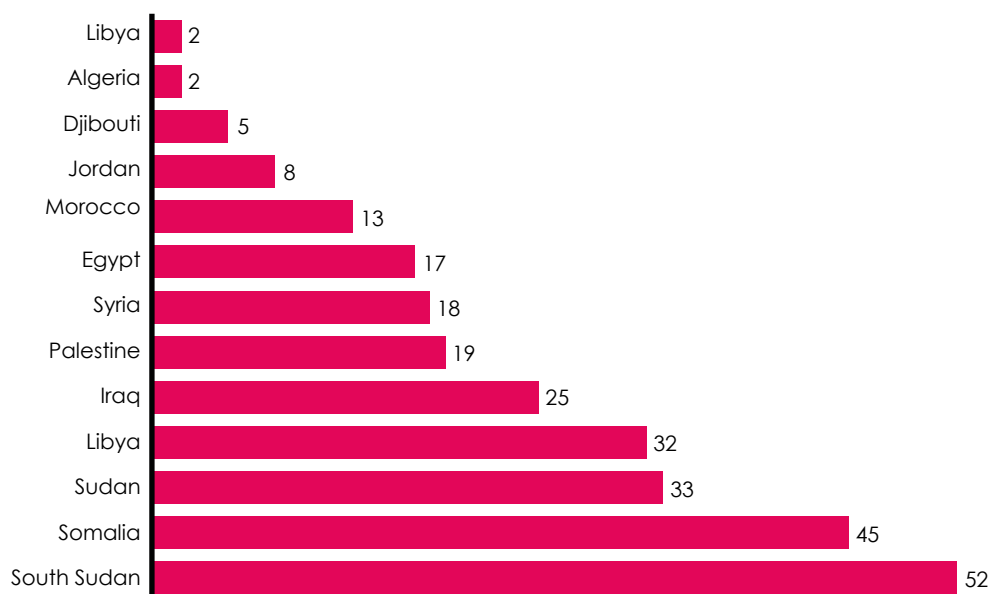
\*\* CEE/CIS: Central and Eastern Europe and the Commonwealth of Independent States.

**Notes:** Estimates are based on a subset of 108 countries covering 76 percent of the globe population of women aged 20 to 24 (excluding China, for which comparable data are not available in UNICEF global databases). Regional estimates represent data covering at least 50 percent of the regional population.

**Source:** UNICEF global databases, 2014, based on Demographic and Health Surveys (DHS), Multiple Indicator Cluster Surveys (MICS) and other nationally representative surveys, 2005-2012.



**Table 2. Percentage of women aged 20 to 24 who married before their 18th birthday, selected countries in the Arab region**

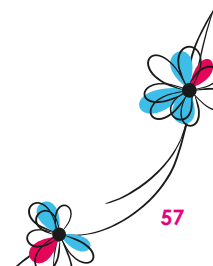


**Note:** Palestine refers to the Arab population of Gaza and the West Bank, including East Jerusalem.

**Sources:** Special tabulation by PAPFAM for Libya (2007), Syrian (2009), and Iraq and Morocco (2011). The date for Jordan is from the 2012 Jordan Population and Family Health Survey. The date for remaining countries - Palestine (2004); Algeria, Djibouti, Somalia, and Yemen (2006); Egypt (2008); and Sudan and South Sudan (2010) - are from Child info, Monitoring the Situation of Children and Women, accessed at [www.childinfo.org/marriage\\_countrydata.php](http://www.childinfo.org/marriage_countrydata.php), on May 2013, 10.

**Table 3. Gender Gap Index in Lebanon from 2010 to 2014**

	OVERALL		ECONOMIC PARTICIPATION		EDUCATIONAL ATTAINMENT		HEALTH AND SURVIVAL		POLITICAL EMPOWERMENT	
	Rank	Score	Rank	Score	Rank	Score	Rank	Score	Rank	Score
<b>Gender Gap Index 2014 (out of 142 countries)</b>	<b>135</b>	<b>0.592</b>	<b>133</b>	<b>0.432</b>	<b>106</b>	<b>0.975</b>	<b>62</b>	<b>0.975</b>	<b>141</b>	<b>0.010</b>
Gender Gap Index 2013 (out of 136 countries)	123	0.603	126	0.442	87	0.980	1	0.980	133	0.010
Gender Gap Index 2012 (out of 135 countries)	122	0.603	125	0.442	86	0.980	1	0.980	131	0.010
Gender Gap Index 2011 (out of 135 countries)	118	0.608	123	0.448	90	0.977	1	0.980	128	0.028
Gender Gap Index 2010 (out of 134 countries)	116	0.608	124	0.448	91	0.977	1	0.980	127	0.028
Gender Gap Index 2009 (out of 134 countries)	-	-	-	-	-	-	-	-	-	-
Gender Gap Index 2008 (out of 130 countries)	-	-	-	-	-	-	-	-	-	-
Gender Gap Index 2007 (out of 128 countries)	-	-	-	-	-	-	-	-	-	-
Gender Gap Index 2006 (out of 115 countries)	-	-	-	-	-	-	-	-	-	-





**Table 4. Differences between Lebanon and Syria on marriage and childbearing in 2015**

Lebanon	Syria
MARRIAGE AND CHILDBEARING	MARRIAGE AND CHILDBEARING
Singulate mean age at marriage (years) (female, male).....28,32	Singulate mean age at marriage (years) (female, male).....25,29
Early marriage ( % of women aged 15-19).....5	Early marriage ( % of women aged 15-19).....11
Maternal mortality ratio (per 100,000 live births) <sup>2</sup> .....16[20-29]	Maternal mortality ratio (per 100,000 live births) <sup>2</sup> .....48[28-83]
Total fertility rate (Children per women).....1.5	Total fertility rate (Children per women).....3.0
Adolescent fertility rate (births per 1,000 girls aged 15-19).....12.0	Adolescent fertility rate (births per 1,000 girls aged 15-19).....41.6
Mean age of women at the birth of the first child.....-	Mean age of women at the birth of the first child.....-
Antenatal care coverage, at least one visit(%).....-	Antenatal care coverage, at least one visit(%).....88
Births attended by skilled health personnel (%).....-	Births attended by skilled health personnel (%).....96
Contraceptive prevalence (% of married women or in-union).....-	Contraceptive prevalence (% of married women or in-union).....58
Legislation permitting abortion to preserve a woman's physical health...No	Legislation permitting abortion to preserve a woman's physical health....No

Ref. World economic forum Sep 2015





## **Beirut Declaration on ending child marriage adopted at the Regional Seminar on Child Marriage during Democratic Transition and Armed Conflicts Held in Beirut**



**October 27-29-2015**

Despite the fact that child marriage has always existed in our societies, it has nevertheless exacerbated as a result of revolutions, transitions and armed conflicts and more particularly in the wake of the emergence of religious extremist groups and terrorism. All of this was coupled with the aggravation of poverty and impoverishment following the collapse of many economies in a number of countries, displacement, refuge, large scale migration in addition to the vulnerability of civilians, refugee and displaced men and women and the huge ensuing burdens on the host communities.

Child marriage, meaning the marriage of someone who did not complete eighteen calendar years of age in accordance with the Child's Rights Convention that was ratified by all Arab states, is considered as a forced marriage due to the absence of the child's complete and free will because whoever did not reach this age is considered as a minor who does not enjoy full legal capacity. Statistics reveal that girls constitute the vast majority of the victims of such type of marriage.

This type of marriage is a violation of the human rights of child girls and deprives them from a wide range of rights like the right to life, the right to physical and mental safety, the right to health, the right to education the right to welfare, the right to a free choice, the right to share in decision making and the right to a decent work opportunity in the future.

Systematic child marriage represents a crime against humanity and in some cases qualifies as war crime as stipulated in the Rome Statute of the International Criminal Court.

The circumstances accompanying this phenomenon and an in-depth analysis of its components reveal that it encompasses gender based violence and different forms of violence against child girls and is considered as exploitation, disguised child prostitution, a form of slavery and human trafficking. It also includes torture and practices that are downgrading to human dignity.

This serious phenomenon leads to health repercussions and poses a threat to the child's life and her fetus. It may lead to higher risks of disfigured births and unsafe abortions in addition to the deterioration of the girl's physical and mental health. Moreover, it leaves negative marks on the family and the society and bears heavy human and economic losses which all hinder development opportunities.

While we adopt a developmental rightist approach in understanding and countering this phenomenon that threatens the fate and safety of millions of child girls, we declare the following:

1. Our attachment to the commitment to respect, implement and enforce International conventions on human rights and women and child girls' rights in particular, and all other relevant International covenants and references.



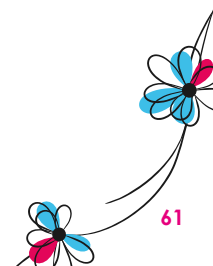


2. The need to review and reform national legislations in line with the requirements of the international law on human rights, the International humanitarian law and the international criminal law in such a way as to guarantee an effective protection of child girls' rights to have the engagement and marriage age set at eighteen calendar years without the acceptance of any exception for social, cultural, political, religious, economic or any other reason. The review and reform should include the provision of dissuasive sanctions against those who take part or interfere in this type of marriage and reassertion of the principle to end impunity because child marriage is a crime that is punishable by law.
3. In the context of these reforms, there is a need to review personal status laws, penal codes, child rights' laws, health laws, education laws, and other laws with the aim of ascertaining that they are free from any discriminatory texts that do not sufficiently and adequately give priority to the child girl's best interest.
4. Adoption of civil family laws based on citizenship and effective and full equality between men and women and young boys and girls whilst giving the implementation jurisdiction to the civil courts.
5. Reaffirming the State responsibility to draft inclusive and comprehensive policies and take the necessary measures to end child marriage by adopting a special and effective strategy that is implemented and receives all necessary funding.
6. The International Community is called upon to shoulder responsibility towards our region by providing international protection wherever needed, ensuring a just and long-lasting peace, solving conflicts through political and peaceful means in such a way as to guarantee the respect of human rights especially women rights and the rights of children victims of conflicts, civilians, refugee men and women, displaced, dislodged, minorities, and vulnerable and excluded groups that are the most at risk of harm and violation of their rights and freedoms.
7. The State is urged to put in place the proper mechanisms to end harmful traditional practices and customs that encourage child marriage and review the educational curricula with a view to purifying them from stereotyped roles of men and women in public and private life. Human Rights content should be included in the curricula in addition to the right to health, sexual and reproductive health education and the State is urged to guarantee free quality education to girls and boys equally.
8. The media should shoulder responsibility in contributing to raising awareness about the phenomenon of child marriage as a fundamental problem and about its negative repercussions as well as mobilizing the public opinion to fight it in the framework of the legal and developmental approach while highlighting success stories and good practices in this field.
9. The State, Center for studies and data and statistics producers are called upon to provide detailed and periodic data on child marriage aggregated by gender including the root causes of the problem its consequences and impact. This data has to be analyzed, widely disseminated and simplified to make it understandable to all categories of the community including children. Efficient monitoring and grievances mechanisms should also be adopted for prevention and protection.



10. The State is called upon to provide assistance, counseling and shelter for prevention and as a response to the needs of the victims. It is also requested to provide legal assistance and representation at courts in order to guarantee access to justice and protection for the whistleblowers, witnesses and victims in an attempt to repair the harm and ensure rehabilitation.
11. Stressing on the responsibility of the civil society and its right to be involved in this phenomenon that constitutes a socio-developmental and rights issue; and to play a role in monitoring, documenting, following up and contributing to the provision of services; and to organize informative awareness raising campaigns, capacity building, request reforms, defend legal cases, advocate and lobby.
12. Affirming that achieving the sustainable development goals (SDGs) and namely to end poverty (goal no 1 of the SDGs 2030 that were adopted by the UN General Assembly in September 2015), provide education (goal no 3), gender equality (goal no 5) and other goals, require political will and relentless efforts to fight child marriage.

From this seminar we announce the establishment of an open regional alliance for all those who adopt this declaration and commit to it and work on the implementation of its goals and we shall name it "the Noujoud Alliance".







## Regional Seminar on Child Marriage during Democratic Transition and Armed Conflicts

Beirut, October 27-29-2015  
Child girls facing the risk of sexual exploitation

Upon the invitation of the Arab Institute for Human Rights, ABAAD organization and the Democratic Forum for Women in transitional Societies-Amina and in partnership and with the financial support of HIVOS, a regional seminar on child marriage during democratic transition and armed conflicts was held from 27 to 29 October in Beirut in the presence of representatives of Arab women organizations as well as rights activists from Lebanon, Jordan, Palestine, Morocco, Tunisia, Soudan, Bahrain, Kingdom of Saudi Arabia, Syria, Libya, Yemen, Egypt and Iraq.

Participants discussed the legal implications of child marriage as stipulated in International conventions and instruments and the laws on marriage in vigor in the Arab states and their impact on child marriage prevalence. They also looked at the security and protection dimensions under armed conflicts and during refuge situations as well as the economic factors that contribute to the exacerbation of child marriage and child trafficking. In addition to that, the cost and repercussions of child marriage were discussed with a special focus on the psychological, social and health impact and on reproductive health in particular.

Participants reviewed in details the situation of Syrian refugee and displaced women in the Arab states and that of Iraqi women especially Yazidi women and girls, as well as the situation of Yemeni, Palestinian, and Libyan and all other Arab women and girls. Special focus was put on the harm and forced marriage that those girls and women had to endure as a result of the aggravating political and security situation due to armed conflicts and that fed on the following factors:

- The masculine and patriarchal mentality that is deeply rooted in Arab societies that consecrate inferiority and gender based discrimination.
- The cultural heritage that still considers women and girls as second class citizens.
- Family and personal status laws in vigor in Arab states that still rely on masculine jurisprudence and allow child marriage.
- The economic crisis raging in the region and the price that mostly women and girls are paying and its exacerbation as a result of prevailing armed conflicts, civil wars and the continuation of the occupation of the Palestinian territories.
- Non compliance of Arab states with the international conventions and covenants that were ratified, in the absence of accountability mechanisms by the International Community.

Stemming from our strong belief that women and girls' rights constitute an integral part of Universal Human Rights we affirm the following:

1. Rejection of any compromise on women and girls' rights under any circumstance especially



- under armed conflicts that require efficient protection mechanisms.
2. Considering child marriage and trafficking during conflicts as a crime against humanity.
  3. Pursuing struggle in order to preserve the acquired rights that women obtained over the past decades thanks to the striving efforts of democratic, rights and women movements.
  4. Calling upon governments and the International Community to undertake all necessary measures to end impunity and provide protection to girls and women especially during democratic transition.
  5. Allowing girls to access and benefit from all educational, economic, social legal and health resources and providing them with all protection means that enhance their self esteem and their ability to access justice.
  6. Stressing that women's sexuality and bodies are their sole ownership and no one has the right to neither impose any tutorship over them or their bodies nor exploit them under any appellation whatsoever like fornication Jihad or other.
  7. Deploring the absence of a political will from the side of governments and states to provide the necessary protection to girls and women during democratic transition.
  8. Condemning the continuation of crimes against girls like female genital mutilation (FGM), other acts described as "honor crimes", coerced marriage, child marriage, and the encouragement of violent acts and killings of women and some practices that consecrate women inferiority and undermine their dignity like "deals marriage", "barter marriage" and application of the dowry principle upon marriage.
  9. Rejection of quick fix and band aid solutions in fighting poverty through trafficking in girls' bodies.
  10. Holding governments fully responsible for the deterioration of the health conditions of girls as a result of forcing them to marry with all the ensuing consequences of pregnancy and childbirth that their bodies cannot cope with.

## **Below are the recommendations that were reconfirmed**

### **1. Recommendations to governments**

- Signing International Conventions on the protection of women and girls' rights particularly the Convention on the elimination of all forms of discrimination against women (CEDAW) by non-signatory states namely Sudan and Somalia and calling upon signatory states to lift their reserves and sign the protocols annexed to these conventions.
- Improving local legislations in accordance with International Covenants, treaties and protocols that ensure child girls' protection and allow them to live in dignity whilst giving International conventions supremacy over local legislations.
- Making education compulsory and free of charge until the end of all school classes, and adopting the necessary measures to follow up on the implementation of this requirement; developing teaching and educational curricula in such a way as to consecrate the principle of full and efficient equality in line with the international standards agreed upon.





- Developing free of charge health programs and services, disseminating health education and allocating the necessary budgets to this end.
- Providing sufficient protection to the displaced, refugee and forcibly displaced women in accordance with recommendation (30) annexed to the Convention on the elimination of all forms of discrimination against women (CEDAW).

## 2. Recommendations to international and regional organizations

- Encouraging and following up on the States commitment to the signed conventions and treaties and urging the non-signatory States to sign and lift reserves.
- Declaring an annual international campaign to end child marriage in the world in line with the international campaign to fight violence against women and declaring an International Day for Child Girls in line with the International Women Day.
- Establishing a United Nations position of "Special Rapporteur for the protection of child girls in areas under occupation or armed conflicts".
- Provision of UN forces to protect women and girls in areas under armed conflicts, under the control of terrorist groups, in democratic transition or under Israeli occupation and in areas under the control of Dae'esh (ISIS) in Syria and Iraq in line with the United Nations Security Council resolution 1325 of the year 2000.
- Considering the settlers' violence perpetrated against the Palestinian people in general and women and child girls in particular as violence by terrorist groups and holding the occupation state accountable for not stopping this violence and for failing to protect the Palestinian people in accordance with the four Geneva conventions; holding the occupation state accountable for its organized violence acts that constitute a violation of the human rights of every Palestinian and particularly those of Palestinian women and child girls.
- Provision of international services to all dislodged men and women and to Christian, Yazidi, Shabak, kaka'is and other minorities in line with services provided to refugees in all internationally recognized camps.
- Provision of necessary services and assistance to free the kidnapped child girls that are still under Dae'esh control as they were abducted, raped, forcibly married and sold as slaves.
- Holding the league of Arab States fully responsible for the provision of all protection means and development of strategies to empower refugee women economically and socially and provide them with prevention and protection means and ensure that they are not victims of trafficking.

## 3. Recommendations to women and rights' associations, unions and the media

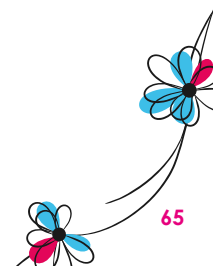
- Collaborating with all the media and developing the capabilities of all those working in the media to spot violations in the field of child marriage and trafficking while raising awareness about the related risks.
- Working on establishing cooperation and mutual exchange relationships with the women and rights' associations the unions and the media in all Arab states in such a way as to allow



women to make their voices heard through independent and free media outlets.

- Enhancing the role of Arab and regional networks in monitoring and spotting violations pertaining to child marriage and trafficking, and organizing special campaigns to put pressure on governments in order to push them to shoulder responsibility towards the protection of child girls and refugee women in particular.
- Raising awareness amongst refugee women about their rights and how to access the necessary resources to help them overcome the obstacles and risks facing them.

**“I wrote and wrote until I exhausted words...  
And described and described until I exhausted description...  
My fellow citizen women are indeed... women and more”.**  
Tunisian poet **Alsagheer Awlad Ahmed**





## AGENDA OF THE SEMINAR

**Day one: Tuesday 27 October 2015**

**Presentation and Discussion of Research Papers**

**Legal and Cultural Frameworks**

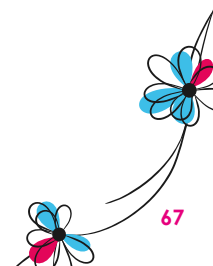
9:00-9:30		Arrival and registration
9:30-10:00	Opening session	<p>Welcoming Speech by Organizers in Lebanon – ABAAD &amp; AIHR Organization, <b>Ms. Ghida Anani</b> &amp; <b>Ms. Joumana Merhi</b></p> <p>Welcoming Speech – President of the Arab Institute for Human Rights, <b>Mr. Abdul El Basset Bin Hassan</b></p> <p>Welcome Speech by Amina Forum in Lebanon, <b>Dr. Fahmiye Charafeddine</b></p> <p>Welcoming Speech by HIVOS, <b>Ms. Juliette Verhoeven</b></p> <p>Welcoming Speech – H.E Minister of Social Affairs <b>Mr. Rashid Derbass</b></p> <p>Assigning of a committee to issue a final declaration of the seminar</p>
10:00-11:30	Session one	<p>Moderator: <b>Me. Asma Khodor, Jordan</b></p> <p>Note-taker: <b>Ms. Fatima Outaleb, Morocco</b></p> <p>Legal implications of Early Marriage <i>In line with international laws and conventions namely the Child Rights Committee and its related recommendations</i> – <b>Dr. Wahid Al Farshishi</b></p>
11:30-12:00	Coffee Break	
12:00-14:00	Session two	<p>Moderator: <b>Ms. Soumisha Ryaha, Morocco</b></p> <p>Note-taker: <b>Ms. Reem Al Jabi, Tunis</b></p> <ul style="list-style-type: none"> <li>• Comparative Legal Framework in the Arab Countries with Regards to Personal Status Laws – <b>Me. Nada Khalifa, Lebanon</b></li> <li>• Cultural and Socio-Religious Frameworks that contribute to Child Marriage Practices – <b>Dr. Fahmia Sharafeddine, Lebanon</b></li> </ul>
14:00-15:00	Lunch Break	
15:00-17:30	Session three	<p>Moderator: <b>Ms. Neemat Koukou, Sudan</b></p> <p>Note-taker: <b>Ms. Karima Mourshed Hassan, Yemen</b></p> <ul style="list-style-type: none"> <li>• Paper on Security and Protection Frameworks during armed conflicts that contribute to increase of Child Marriage Practices – <b>Ms. Sama Ouweida, OPT</b></li> <li>• Paper on Economic Frameworks that contribute to increase of child marriage and trafficking – <b>Ms. Azza Kamel, Egypt</b></li> </ul>



## Day two: Wednesday 28 October 2015

### Presentation and Discussion of Research Papers – continued Best Practices in Combating Forced/ Early Marriage

9:30-11:00	Session one	<p>Moderator: Ms. Souad Abou Deyh, Jordan Note-taker: Ms. Amal Khashi Faraj, Iraq</p> <p>Cost of Child Marriage   Focus on Social and Psychological Cost on Health, namely on Reproductive Health – Dr. Faysal Al-Kak, Lebanon</p>
11:00-11:30	Coffee Break	
11:30-13:30	Session two	<p>Moderator: Ms. Lamiaa Lotfi Hady, Egypt Note-taker: Ms. Asmaa Al Aboudi, KSA</p> <p>Best Practices in Combating Forced/Child Marriage</p> <ul style="list-style-type: none"> <li>• <b>Occupied Palestinian Territories:</b> The experience of Women Studies Centre in raising awareness at schools and mainstreaming it in the educational curriculum through story telling – Ms. Rocham Abdul Latif</li> <li>• <b>Yemen:</b> The Role of Religious Leader in Combating Child Marriage – Me. Karima Mourshid Hassan</li> <li>• <b>Jordan:</b> Amneh Forum: Combating Early Marriage among Host Communities, – Me. Asma Khodor</li> </ul>
13:30-14:30	Lunch Break	
14:30-17:00	Session three	<p>Moderator: Me. Danielle Hoyek, Lebanon Note-taker: Mr. Ibtissam khamiss, Bahrain</p> <p>Best Practices in Combating Forced/Child Marriage</p> <ul style="list-style-type: none"> <li>• <b>Lebanon:</b> ABAAD: Development of tools and capacities within the “Marriage is Not a Game” Campaign – Ms. Saja Michael</li> <li>• <b>Occupied Palestinian Territories:</b> Campaign of Women Media &amp; Development Organization – Ms. Suheir Farraj</li> <li>• <b>Syria:</b> “Child Not bride” – Dr. Enaam Achraf</li> </ul>







## Day three: Thursday 29 October

### Focused Thematic Discussions

9:30-11:00	Session one	<b>Focused Thematic Working Groups</b> <ul style="list-style-type: none"><li>• Combating Early Marriages among refugees and IDPs in times of armed conflicts – Ms. Nicia El Dennawi and Ms. Roula El Masri</li><li>• Safety and security of Women in Conflict Setups to Protect Girls from Terrorism, Trafficking and Forced Marriage – Ms. Sama Ouweida and Ms. Rania Sleiman</li><li>• Legal Reforms to Enhance National and International Legal Protection Frameworks to Combat Early Marriage – Ms. Nada Khalifa and Ms. Rima Al Jabi</li><li>• Specialised Services to Combat Early Marriage and Protection of girls Rights: Awareness, Empowerment, Support and protection – Ms. Soumisha Ryaha and Ms. Mayya Ben Khaled</li></ul>
11:00-11:30	Coffee Break	
11:30-13:30	Session two	<b>Focused Thematic Working Groups – continued</b> Presentations and Discussion – Ms. Joumana Merhi and Ms. Ghida Anani
13:30-15:00	Lunch Break	
15:00-17:00	Session three	Presentations and Discussion of Working Groups Recommendations Final Declaration of the Seminar Declaration Endorsement Wrap up

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منتدى  
آمنة لبنان

