What Drives Child Marriage in the Arab World and How the World is Combating the Problem

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WHAT DRIVES CHILD MARRIAGE IN THE ARAB WORLD AND HOW THE WORLD IS COMBATING THE PROBLEM

AKRAM ALSAIDI

ABSTRACT

The Author discusses child marriages in the Arab World and what are the drivers behind child marriages? He also examines what is being done in the Arab States and the international community to combat the problem of child marriage, which has been recognized as a slave like practice.

The Author begins by describing the effects that child marriage has on the young girls as well as society as a whole.

The Author next explores in details the main causes of child marriages in the Arab World. He first explores the influence of religion on child marriage. He argues that religion has had some impact but is not the main driver of child marriage. He then examines the role that tradition and culture have had in influencing the practice of child marriage. He argues that culture and tradition have greatly influenced the practice. He then examines the effects that Laws in Egypt, Yemen, and Jordan have had on the practice of child marriage and why these laws might actually be encouraging child marriage. The author then examines what impact poverty has on child marriages. The Author then examines the standard of living in many parts of the Arab World to determine if there is any correlation between child marriages and standards of living.

The Author next investigates what is being done to combat the problem, what individual countries in the Arab world are doing and also what the international community is doing to combat child marriages.

The Author ultimately argues that child marriage fits the definition of slave like practices [under the Palermo Protocol and the 1956 Supplementary Convention etc. etc.] and that there are many factors that contribute to child marriages but poverty is the main driver behind the practice. He argues that in order to end child marriages, the Arab states and international community must eliminate poverty.
TABLE OF CONTENTS

I. INTRODUCTION

II. EFFECTS THAT CHILD MARRIAGE HAS ON YOUNG GIRLS
   A. Maternal Mortality
   B. Infant Mortality
   C. Illiteracy
   D. Isolation and Abandonment

III. THE MAIN CAUSES OF CHILD MARRIAGE IN THE ARAB WORLD
   A. Religion
      a. Quran
      b. Sunnah
   B. Culture And Tradition
   C. Laws In Arab States
      a. Laws In Yemen
      b. Laws In Jordan
      c. Laws In Egypt
   D. Poverty

IV. WHAT CAN BE DONE TO COMBAT CHILD MARRIAGE
    a. International Law And Laws In The Arab States
    b. Promote Economic Opportunities

V. CONCLUSION
I. INTRODUCTION

It's Monday morning in New York City. A 14-year old girl named Lisa is getting ready to go to school. She gets her school bag ready and waits for her parents to drive her to school. Lisa goes to school; she is in seventh grade; she has many friends and all of the teachers in the school enjoy having her as a student. When the school day is done, her mother picks her up and takes her home. After she gets home, she eats a snack, finishes her homework and then goes to the park to play with friends. Lisa has big dream, she wants to become a doctor or maybe a teacher when she finishes college. Lisa’s parents have opened a savings account in order to save money for her college education.

The same Monday afternoon, on the other side of the world, in Taiz, Yemen, a 14-year old girl named Asama is cooking lunch for her husband. She just finished feeding her 1-year old child and is also planning on doing laundry today. Asama also had big dreams; she wanted to become a doctor or maybe a teacher. However, Asama’s parents married her off when she was 12-years old. Two girls, both the same age, one living in a country where child marriage is illegal and the other living in a country where child marriage is legal and sometimes encouraged.

Child marriage is a violation of international law because it is considered slave like practice under The 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, which defines it as “any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to
the exploitation of the child or young person or of his labour.” When the world decided to take a stand against the slave trade in 1926, child marriage was not included in the slavery convention.  

It was not included because of strong opposition from countries that allowed the practice. If child marriage was defined as slavery in the 1926 Convention, there was a chance that the convention would have failed and the slave trade would have continued in many parts of the world. It was a compromise by member states to combat the slave trade but kept child marriage intact.

Today child marriage is banned in many countries around the world. However, thirty countries still allow child marriages below the age of fifteen. Many of the counties that still permit child marriages are in the Arab World. Child marriage is a problem in the Arab World that needs to be eliminated with the help of the Arab States as well as with the help of the International Community because child marriage is modern day slavery that affects the entire world. Article 1 of the Convention on the Rights of the Child establishes that a child is any human being under the age of 18 unless, under state law, majority is attained earlier.

This paper focuses on child marriage in the Arab World because there has been a recent reporting on the prevalence of the practice in that part of the world. On April 10, 2011 there

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3 Id.

4 Id.


was an article on The Worst Post.com titled “Dead Yemeni Child Bride Tied Up and raped.”

The comments that people left below the articles ranged from sympathy for the girl to pure hate of Arabs and Muslims. Some people were commenting that this practice is common because “it’s what Islam teaches”, “their prophet did the same thing” and others claimed “it’s just th
culture”. I have always believed in my heart that child marriage is an evil that effects people who are otherwise decent human beings. After reading these comments, I was curious if these claims had any merits to them. I would like to discover the real driving force behind child marriage in the Arab World and what could be done to eradicate this practice, which is modern day slavery.

II. EFFECTS THAT CHILD MARRIAGE HAS ON YOUNG GIRLS AND SOCIETY AS A WHOLE

1. Maternal Mortality

Child marriages have many negative consequences for the young girls and to society as a whole. Maternal mortality is very high among girls who are married under 18 when compared to maternal mortality for those who were married after reaching the age of 18. There are many health issues that arise due to the young age of the mother. Giving birth at a young age puts these young mothers at a higher risk for high blood pressure resulting from pregnancy, uterine infection, unsafe abortion, and malaria. These risks put the young mother and the baby at an

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9 Id.

10 Id

increased risk of death. The leading causes of death for girls between the ages of 15 and 19 are pregnancy related. There is strong correlation between the age of the mother and maternal mortality. For example, girls who give birth when they are between the ages 10-14 are five times more likely to die in pregnancy or childbirth than women aged 20-24. Girls ages 15-19 twice as likely to die. In September 2013, a 12-year-old Yemeni child-bride died after struggling for three days in labor, she died because her body was not capable of delivering a baby. In the Arab World, there is not a precise number of girls who die while giving birth, but the number of girls who get married before the age of 18 is as follow. By looking at these numbers, it obvious that maternal death rate is very high.

*The Maternal mortality rate (MMR) is the annual number of female deaths per 100,000 live births from any cause related to or aggravated by pregnancy.  

14 Id.
15 Id.
2. **Infant mortality**

Another victim of child marriage is the innocent baby that is born into the marriage, according to the Centers for Disease Control and Prevention, the infant mortality rate for single births to mothers aged 15 or younger, the risk of death to the infant is three times the rates for mothers aged 25-29 years.\(^\text{18}\) Looking at countries that allow child marriage as compared to countries where child marriage is outlawed, the numbers are striking. In 2014, for example in Yemen where child marriage is legal, the rate of infant mortality rate is 50.41 deaths per 1000 live births. When compared to a country with a similar population such as Australia where child marriage is against the law, the infant mortality rate is 4.43 deaths per 1000 live births. There are many factors that contribute to infant mortality rate such as quality of the health care. But child marriage is the biggest factor that contributes to infant mortality because the risk that a baby will die in the first year is increase by 30% when his mother is under the age of 18. \(^\text{19}\) At a young age a girl does not know what is healthy to eat and what is not,\(^\text{20}\) they might eat foods that are unhealthy for the baby. But the major factor is that at a young age, the female body is not capable of handling a pregnancy.\(^\text{21}\) Children born to young girls are more likely to be premature and have low birth weight; conditions that have a long term effect on the newborns health and development and put them at a higher risk of dying before their first birthday.\(^\text{22}\)

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\(^\text{21}\) Id.

\(^\text{22}\) Centers for Disease Control and Prevention. “Linked Birth and Infant Death Data”, available at
3. Illiteracy

When a young girl is married off at a young age, it’s usually the end of her education. Girls who are married at a young age are often pulled out of school; Domestic duties and childbearing may prevent a girl from re-enrolling even if she would like to continue her education. There was a study that was conducted in Bangladesh which showed that each additional year marriage was delayed between age 11 and 16 resulted in almost a quarter of a year in additional schooling and a 5.6 percent increase in literacy. A recent study of women ages 20-24 who were married before the age of 18 shows that 38% in Yemen, 23% in Syria and 19% in Morocco had no primary level education. When girls are married at a very young age, they are less likely to go back to school after being away from education for even a brief period of time. Girls with a primary education are twice as likely to marry or enter into union as those with a secondary or higher education. This will also have a negative impact on future generations because as mothers, girls without education are less likely to send their children to school.

The percentage of women 20-24 years old who were married before 18 for years 2000-2011 in the Arab World was 54% with no education at all and 17% only had secondary education.


24 Id.


education. The advantage of being in school is that it confers numerous protections and benefits for girls. Schooling helps a girl develop social networks and acquire skills and information, all of which contribute to her ability to communicate, negotiate for her best interests and participate in decisions that affect her life. When a girl is educated, her life becomes more stable and she can contribute to society a lot more than a girl who was married and received little or no education.

Having a population that is educated is also a benefit to society. Education leads to smaller and healthier families, greater investment in children’s health and education, and greater opportunities for employment. Girls who stay in school longer marry later and are greater contributors to a community’s political, social, and economic development. Child marriage does not only damage the young girl’s future in terms of education, it has a detrimental impact on future generations and society as a whole.

4. **Isolation and Abandonment**

Most of the time child marriage leads to isolation and abandonment of the young girls.

Child brides are often isolated from their peers and abandoned if they develop health

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30 Id at 28.


34 Id.


problems. Sometimes being isolated from the family has deadly consequences. In the case of Elham Assi, a young Egyptian girl who was married off when she was 13-years old to a 23-year old man. After getting married, her husband isolated her from the family, he repeatedly raped and abused her.

II. THE MAIN CAUSES OF CHILD MARRIAGE IN THE ARAB WORLD

There is a great debate about what is the main driving force behind child marriage. One third of the world’s girls are married before the age of 18 and 1 in 9 are married before the age of 18. Child marriage is a problem that affects the entire world and if present trends continue, 142 million girls will be married before their 18th birthday over the next decade. That’s an average of 14.2 million girls each year. There are many causes that contribute to child marriage, to better understand how to combat the evil practice; we need to know what is main cause of the practice. In this paper, I will analyze what impact if any did religion, culture and tradition, laws in Arab States and poverty play in promoting child marriage in the Arab World.

Religion

The Arab World is very religiously diverse; there are large Christian populations in Lebanon, Egypt, Syria and Palestine and a Jewish population in Yemen and Morocco. But

37 Id.
40 Id.
the vast majority of the Arab World adheres to the Islamic faith because the origin of Islam can be traced back to 7th century Saudi Arabia. The focus of this section is the influence of Islam on child marriage because Muslim Arabs comprise about 93 percent of the Arab population and belong to several different sects including Shia (Ithna Ashari and Ismaili), Alawi, Zaidi, and Sunni, which is the largest.

a. **Quran**

Many people mistakenly believe that the Qur’an, the Islamic Holy book, gives a certain age for marriage. However, that is not the case, the Qur’an does not specify a certain age for marriage. There are some references to marriage in the Holy Qur’an. In Sura 4 verse 6, it states “And test the orphans [in their abilities] until they reach marriageable age then, if you find them to be mature of mind/sound in judgment, hand over to them their possessions.”

The question is: what is marriageable age?. There is some agreement among Islamic scholars as to what is the marriageable age. The Scholar Abdullah Ibn Abbas who is considered by many as an expert in Tafsîr has interpreted the phrase “marriageable age” to mean the age of puberty. Jalal al-Din al-Mahalli, another very well-respected scholar interpreted the phrase to mean “until they reach the age of marrying, that is, until they have become eligible for it through puberty or [legal] age, which, according to al-Shâfi’î, is the completion of fifteen years. However, some might argue that the age of puberty cannot be fixed at fifteen since

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27, 2014)


some girls attain puberty at a younger age.\textsuperscript{48} While there is some agreement among the scholars that puberty is the right age for a girl to consider marriage, the Holy Quran does not give a specific age.\textsuperscript{48}

Another Verse in the Quran that some have claimed to indicate the age of marriage is Sura 65 verse 4 which states “And those who no longer expect menstruation among your women - if you doubt, then their period is three months, and [also for] those who have not menstruated. And for those who are pregnant, their term is until they give birth.”\textsuperscript{49} However, some have translated this verse to show that marriage can take place for those “who do not menstruate – because they are young and have not yet reached the age of puberty – the ‘iddah in the case of divorce is three months.”\textsuperscript{50} They claim that this verse indicates that it is permissible for a young girl who has not started her period to marry.\textsuperscript{51} The Quran does not specify a number at which a girl can get married but many scholars have interpreted the Quran to give a specific stage in life when a girl can get married.\textsuperscript{51}

Some Muslims who follow the conservative interpretation of the Quran argue that Islam permits child marriages upon reaching maturity, which conservative’s scholars define as puberty.\textsuperscript{52} This year, the Council of Islamic Ideology (CII) the body responsible for giving legal advice on Islam to the Pakistani government, passed a ruling that “Pakistani laws prohibiting marriage of underage children are un-Islamic, and that according to Islam, there is

\textsuperscript{48} Center for Disease Control and Prevention, ‘Young Teens (12-14 years of age), available at http://www.cdc.gov/ncbddd/childdevelopment/positiveparenting/adolescence.html, (last visited March 27, 2014)


\textsuperscript{52} Id.
no minimum age of marriage”.\textsuperscript{53} In Yemen, the parliament passed legislation raising the minimum age of marriage to 17.\textsuperscript{54} But conservative parliamentarians argued the bill violated Sharia, or Islamic law, which does not stipulate a minimum age of marriage and the bill failed to become law.\textsuperscript{55} Many scholars have addressed this issue, Dr. Salih bin Fawzan who is an Islamic scholar and a member of the highest religious committees in Saudi Arabia issued a fatwa asserting, “there is no minimum age for marriage, and that girls can be married “even if they are in the cradle.”\textsuperscript{56} Many have questioned this fatwa arguing that by consummating his marriage with Aisha when she was nine instead of when she was six, the prophet Muhammad (SAW) effectively sets a limit.\textsuperscript{57} 

However, there is still a debate within Islam about at what age a girl reaches maturity. \textsuperscript{58} Many in the Muslim communities and Islamic scholars agree that the age of maturity is eighteen.\textsuperscript{59} The text of the Quran is not as clear on this issue. Depending on the translation and what school of thought is being relied on for interpretation, different outcomes can be reached.

\textbf{Sunnah}

Followers of the Islamic faith also adhere to the teachings of the prophet Mohammed (S.A.W). The way that the prophet lived his life is known as the Sunnah, which is the second

\textsuperscript{53} Id.
\textsuperscript{54} ELHAM MANEA,YEMEN, ( 2010), at 12 and 14.
\textsuperscript{56} http://alwatan.kuwait.tt/ArticleDetails.aspx?id=124848  last visited on march 25,2014
\textsuperscript{59} Id.
source of Islamic Jurisprudence, the first being the Quran. Where the Quranic verse is capable of different interpretations, the Sunnah of the Prophet is consulted whenever possible to shed light on the proper application or interpretation of the verse. The Quran in Sura 59 verse 7 states “and whatever the Messenger gives you, take it, and whatever he forbids you, leave it. And fear Allah: truly Allah is severe punishment.” And “if you differ in anything among yourselves, refer it to god and his messenger.” One cannot practice Islam without consulting both Quran and the Sunnah. Another source of guidance is the Hadith, which comprise part of the Sunnah. A hadith is a narration about the life of the Prophet(SWA) or what he approved as opposed to his life itself which is what the Sunnah. The Sunnah and Hadiths might give us some insight into whether Islam permits child marriages.

According to a hadith narrated by Aisha who was the wife of the prophet (SAW) “the Prophet married her when she was six years old and he consummated his marriage when she was nine years old, and then she remained with him for nine years (i.e., till his death).” In another hadith, Aisha reported that Allah’s Apostle (may peace be upon him) married her when she was seven years old, and she was taken to his house as a bride when she was nine,

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61 DON BROWNING, SEX, MARRIAGE, AND FAMILY IN WORLD RELIGIONS (2009)
65 Id.
and her dolls were with her; and when he (the Holy Prophet) died she was eighteen years old.  

Some Muslims who are in favor of child marriage at very young age claim that the reason the prophet permitted Aisha to take her dolls to his house and play with them after their marriage was because she hadn’t reached puberty.  

In a hadith narrated by Ibn Umar, “the prophet (SAW) called me to present myself in front of him for battle for the battle of Uhud, while I was fourteen years of age at that time, and he did not allow me to take part in the battle but he called me in front of him on the eve of the battle of the Trench when I was fifteen years old, and he allowed me.”  

This hadith was related by Nafi to Umar bin Aumar Bin Abdul Aziz who was Caliph at that time and related the above narration to him and he said “this age (fifteen) is the limit between childhood and manhood.”  

Muslims who are opposed to child marriage rightly point to the fact that the prophet (SAW) married Aisha when she was nine years old was performed in Mecca long before the Islamic laws of marriage were revealed at Medina by the Quranic verses referenced earlier. Opponents of child marriage have for long argued that the prophet (SAW) married Aisha when she was much older than 9-years old. Many also argued that the prophet married Aisha at a young age because back in the early days of Islam it was part of the Arab custom and still is in many of the Muslim and non-Muslim countries today for girls to marry at a very young age.  

After analyzing the religious justification for child marriage, it’s clear that some


68 BROWNING, SEX, MARRIAGE, AND FAMILY IN WORLD RELIGIONS, supra note 61.


70 MOHAMMAD ALI SYED, THE POSITION OF WOMEN IN ISLAM (2004), at 17.

71 Id.

72 Id.

73 LAILA AHMED, WOMEN AND GENDER IN ISLAM: HISTORICAL ROOTS OF A MODERN DEBATE (1993) at 223.
interpretations of the Quran and the Sunnah played a role in the practice of child marriage. There are a few hadiths that many have interpreted as allowing child marriage, but the context and the time of the hadiths might also be evidence that it was not intended to allow child marriage. Pre-Islamic Arab customs that allowed child marriage played a major role in introducing child marriage to Islam.

**Culture And Tradition**

In the Arab World, culture and tradition play an important role in the practice of child marriage. In most countries, child marriage is a traditional practice that in many places happens simply because it has happened for generations — and straying from tradition could mean exclusion from the community. In January 2014, in Yemen, a father was going to marry off his 8-year-old girl to her 29-year-old cousin because he had given a “tribal pledge” to marry his daughter to his nephew after another man rejected his offer of marriage. Tribal and cultural practices have a profound impact on future generations because it reinforces the idea that child marriage is not only allowed by required by their culture.

In Egypt, Om Sameh was married off by her parents when she was 14-years old.

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76 Id.
79 Id.
She became pregnant four years later and has four children. One of those children is Nora 12-years old. Om Sameh said she “would have been ostracized had she remained unmarried beyond the age of 17.” She continues “I wouldn’t have left my family because whatever you do people will talk to dishonor you in a way, that’s why I preferred for Nora to get married as early as I did; to protect her chastity.” An 18-year old man in Tamalout, a village located in the province of Midelt, in Morocco told a news channel doing a report on child marriages that he married a 13-year old girl because “that’s part of our tradition.”

**Laws In Arab States**

Setting and enforcing a minimum legal age for marriage is necessary to protect girls in any part of the world. The lack of minimum age laws in some Arab countries has contributed to the encouraging of child marriage. In the Arab region, laws that govern the age of marriage are codified in family laws. Even in countries that have set a minimum age for marriage, many families who are in favor of child marriage take advantage of loopholes that are built into the statutes. This section will examine the laws regulating marriage in Yemen,

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81 Id.
83 Id.
Egypt and Jordan and see how they contribute to the practice.

**a. Yemen**

Currently in Yemen there is no minimum age for marriage.\(^{88}\) Before the Unification of Yemen in 1990, North Yemen *Personal Status Law* set the minimum age for marriage at fifteen.\(^{89}\) Previously, in South Yemen the minimum age for marriage was 16.\(^{90}\) After unification, fifteen became the age of marriage for all of Yemen, for both girls and boys.\(^{91}\) However, this did not last for long, by 1999, this provision was abolished altogether by a powerful group of conservative parliamentarians, arguing that setting a minimum age would lead to “the spreading of immorality”, undermine “family values,” and would be “contrary to shariah laws.”\(^{92}\)

At the moment, Article 15 of the Personal Statute Law states two pre-conditions before early marriage in permitted. First, that there is “an interest” in such a union.\(^{93}\) The Statute does not give any definition for the terms “interest” and “union”.\(^{94}\) The second condition prohibits sexual intercourse until the female child has reached puberty.\(^{95}\) The statute does not provide a

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93 Don Browning, “Sex, Marriage, and family in World Religions” Columbia University Press (March 30, 2009)  
95 Id.
legal definition of the term “puberty.”\textsuperscript{96} By not providing a clear age for marriage, the statute is actually leaving it up to the families to define the terms of the statute.

In the many cases reported, the two pre-condition statute is not working and many girls are getting married without meeting the conditions. In the case of Nujood Ali, an eight-year-old Yemeni girl who was married to a 32-year-old neighbor against her will.\textsuperscript{97} After consummation of the marriage at the age of 10, the child went to court alone to demand a divorce, which was granted after a huge public outcry.\textsuperscript{98} The case of Nujood brought about a public uproar across Yemen and as a result, women right activists introduced a draft law that would have set the minimum age at 17-years old.\textsuperscript{99} Although the parliament initially approved the draft in February 2009, the strong conservative minority was able to stall the law’s adoption and the recent civil uprising caused the effort to be shelved indefinitely.\textsuperscript{100}

The lack of a standard age for marriage has led Yemen to become one of the leaders in child marriages in the Arab World.\textsuperscript{101} By not requiring a minimum age, the state is encouraging child marriage because it sends a signal to the citizens that what they are doing is not a violation of international law and social norms.

\textbf{a. Jordan}

Jordan’s marriage laws are governed the Family Law Personal Status Law of 1976.\textsuperscript{102} Under the original Personal Status Law of 1976, the minimum age for marriage was 16 for

\begin{itemize}
  \item \textsuperscript{96} Id.
  \item \textsuperscript{97} NUJOOD ALI, I AM NUJOOD, AGE 10 AND DIVORCED (2010) at 123.
  \item \textsuperscript{98} Id.
  \item \textsuperscript{99} ELHAM MANEA,YEMEN, supra note 54, at 12 and 14.
  \item \textsuperscript{101} Unicef “Monitoring the Situation of Children and Women”, available at http://data.unicef.org/child-protection/child-marriage, (last visited April 5.2014)
\end{itemize}
males and 15 for females.\textsuperscript{103} However, Amendments made to the Personal Status Law in 2001 raised the minimum age of marriage to 18 years, but the judge retains the discretion to permit the marriage of anyone who is at least 15 years old if it is deemed to be in his or her interest.\textsuperscript{104} Court permission must be obtained for females who are under 18 to marry men who are older by 20 years or more.\textsuperscript{105} Jordan also requires the permission of a guardian for women who are marrying for the first time.\textsuperscript{106}

In the 33 years before the 2001 Amendments were enacted, child marriage was permitted. In that period of time, there is an entire generation who believe that child marriage is ok because it was legal when they got married. Even after the Amendments to raise the minimum age were established, the fact that there are certain exceptions that allow girls younger than 18-to get married is a promoter of child marriage.\textsuperscript{107} A father can coerce his daughter to obtain a court order for permission to get married at a young age.\textsuperscript{108}

a. \textbf{Egypt}

Egypt is the most populous (82 million) and the most influential country in the Arab World.\textsuperscript{109} In 2013, 17\% of girls married in Egypt were married before reaching the age of eighteen.\textsuperscript{110} It is very important to analyze Egypt’s family laws and see if they contribute to

\begin{itemize}
  \item Id.
  \item Id.
  \item Id.
  \item Id.
  \item Id.
\end{itemize}
child marriage because Egypt will have a lot of influence on other Arab States. Before 2008, marriage age in Egypt was 18 for males and 16 for female and therefore child marriage was allowed for a very long time. However, the Child Law of 2008 sets the legal age for marriage at 18 for both boys and girls. $^{111}$ However, Egypt was the only country in the African Union to have a reservation against the child marriage prohibition contained in the African Charter on the Rights and Welfare of the Child. $^{112}$ In Egypt, marriage is considered a contract concluded by mutually consenting parties of marriageable age. $^{113}$ The statute limits a woman’s ability to enter freely into marriage by requiring that she have the permission of a male guardian (wali). $^{114}$ By requiring a young woman to have the permission of the wali, it demotes women in society.

Other aspects of family law also disadvantage women in Egypt. When the husband and the wife usually sign the marriage contract, the wife usually has not read the contract. $^{115}$ It’s usually negotiated by the husband and the wife’s father with little to no input from the wife. $^{116}$ Human rights watch conducted an interview with Magda Ahmad who states “The Ma’zun didn’t ask if I wanted to put conditions [in the marriage contract]. I wasn’t sitting there. My father was dealing with it.” $^{117}$ Magda continued My father was my guardian. They [my father and husband to-be] agreed on everything. They called me from the other room to sign my name. I didn’t read the contract. The Ma’zun [religious notary] just told me to sign here. $^{118}$

$^{111}$ Id.
$^{113}$ Id.
$^{114}$ Law No. 56 (1923) cited in ABDULLAH AN-NA‘IM, ISLAMIC FAMILY LAW IN A CHANGING WORLD: A GLOBAL RESOURCE BOOK (2002) at 169.
$^{116}$ Id.
$^{117}$ Id.
$^{118}$ Id.
problem with not having equal bargaining power is that all the terms are put to the husband advantage.\textsuperscript{119}

Adding to the number of child marriages in Egypt is the prevalence marriages that are entered into for the short term. One of these marriages is zawaj-al-mutaa\textsuperscript{120}(pleasure marriage for as little as one day) which the very influential Islamic scholar Yousef al Qaradawi issued a fatwa against saying that it’s forbidden because the prophet “forbade it and made it forever haram”.\textsuperscript{121} Zawaj al-safka (a contract marriage based on benefits and interests) and zawaj al-misyar (visitor marriage or summer marriage that last only a few months) are also prevalent in Egypt.\textsuperscript{122} The Egyptian government should have criminal statutes for such practices and by not enacting any laws to combat such practices; the government is turning a blind eye to child marriage and by their silence are encouraging these evil behaviors. After the Arab spring of 2011 ushered in a more conservative government, the Egyptian Parliament began drafting legislation to lower the marriage age to 14 for both males and females which would have increased child marriages significantly.\textsuperscript{123}

**Poverty**

“I was really in need of money and thought it was a solution for the family.”\textsuperscript{124} These were the words of a father who was so poor and desperate to feed his family that he married

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\begin{itemize}
\item \footnotesize\textsuperscript{119} Id.
\item \footnotesize\textsuperscript{120} Laila Al-Zwaini, “The Rule of Law in Yemen Prospects and Challenges”, available at http://www.hum.leiden.edu/nisis/nisis-junior-members/laila-al-zwaini.html, (last visited April 3, 2014)
\item \footnotesize\textsuperscript{121} Yusuf al-Qaradawi, “The Halal And Haram In Marriage”, available at http://www.zawaj.com/qaradawi/marriage.html, (last visited April 12, 2014)
\item \footnotesize\textsuperscript{124} Id.
\end{itemize}
his daughter off at the age of 9 to a 32-year old man.\textsuperscript{125} While many might believe that Religion, Culture and Laws in Arab States are the main causes of child marriage in that part of the world. While it’s true that these factors did contribute to the practice, but they have had minimal impact.\textsuperscript{126} It’s very clear that poverty is the main cause of child marriage.\textsuperscript{127} Child marriage is most common in the world’s poorest countries and is often concentrated among the poorest households within those countries.\textsuperscript{128} When examining the world population, Child marriage is highly prevalent in sub-Saharan Africa and parts of South Asia, the two most impoverished regions of the world.\textsuperscript{129} The reason that parents marry off their young daughters is for a number of reasons; (1) giving a daughter in marriage allows parents to reduce family expenses by ensuring they have one less person to feed, clothe and educate (2) the dowry or ‘bride price’ is often welcome income for poor families.\textsuperscript{130} In families with limited resources, child marriage is often seen as a way to provide for their daughter’s future.\textsuperscript{131}

Examination of several Arab states reveals that the highest rates of child marriage are seen in the poorest countries—(Yemen, Sudan, Somalia) where annual per capita incomes in 2012

\begin{flushleft}
\textsuperscript{125} Id. \\
\textsuperscript{127} Id. \\
\textsuperscript{129} Id. \\
\end{flushleft}
were less than US$1,600.\textsuperscript{132} Child marriage was at zero percent in the wealthiest Arab countries (Qatar, UAE and Oman) where annual per capita income in 2012 was more than $21,000.\textsuperscript{133}

<table>
<thead>
<tr>
<th>Country</th>
<th>GDP per Capita(US$)\textsuperscript{134}</th>
<th>Child Marriage Rate\textsuperscript{135}</th>
</tr>
</thead>
<tbody>
<tr>
<td>SOMALIA</td>
<td>$600</td>
<td>45%</td>
</tr>
<tr>
<td>YEMEN</td>
<td>$1,494</td>
<td>35%</td>
</tr>
<tr>
<td>SUDAN</td>
<td>$1,580</td>
<td>33%</td>
</tr>
<tr>
<td>EGYPT</td>
<td>$3,256</td>
<td>17%</td>
</tr>
<tr>
<td>JORDAN</td>
<td>$4,909</td>
<td>8%</td>
</tr>
<tr>
<td>ALGERIA</td>
<td>$5,348</td>
<td>2%</td>
</tr>
<tr>
<td>LIBYA</td>
<td>$10,455</td>
<td>2%</td>
</tr>
<tr>
<td>OMAN</td>
<td>$23,000</td>
<td>0%</td>
</tr>
<tr>
<td>UAE</td>
<td>$39,000</td>
<td>0%</td>
</tr>
<tr>
<td>QATAR</td>
<td>$89,736</td>
<td>0%</td>
</tr>
</tbody>
</table>

As shown in the table above, as the GDP per capita increase, the rate of child marriage decreases significantly. \textsuperscript{136} All of the countries on this table follow the Islamic faith and therefore religion cannot be the cause of child marriage if Qatar has a zero percent child marriage.


\textsuperscript{134} Id at 132.


marriage is compared to Somalia, which has a 45% child marriage rate.\textsuperscript{137}

Poverty causes child marriages across the world in places such as Africa and South Asia and is not limited to the Arab World. In almost all developing countries, child marriage is more common among the poorest.\textsuperscript{138}

Girls in the poorest 20 percent of households are three times as likely to be married as girls in the richest 20 percent of households.\textsuperscript{139} Poverty and lack of opportunity lead most of these families down a path where they are almost forced to marry off their young girls. The dowry system in many parts of the Arab World also gives an incentive for families of young girls to marry off their daughters at an early age, as young girls are seen as more valuable and bring a higher bride price than older girls.\textsuperscript{140} Most of the time, the girls don’t have a say in who they marry because the families are looking for the husband who was willing to pay the most for their daughter and use that money for family expenses.\textsuperscript{141} A Sudanese child bride stated, “The man I loved did not have cows and my uncles rejected him. My husband paid 120 cows” when asked if she agreed to the marriage.\textsuperscript{142} Most of the time, price will determine whom the girl marries.\textsuperscript{143}

The Arab World is just like any other place in the world. When families become desperate to feed themselves or when the parents do not have the means to support all their children, they turn to desperate measures such as child marriage.\textsuperscript{144} In some cases girls are

\begin{footnotesize}
\begin{enumerate}
\item\footnote{Id at 135}
\item\footnote{Unicef, “early Marriage: A Harmful Traditional Practice” available at www.unicef.org/publications/index_26024., \textit{(last visited April 18,2014)}}
\item\footnote{Id.}
\item\footnote{Unicef, “early marriage: Whose right to choose”, available at www.unicef.org/rosa/earlymarriage\textit{[lastversion].doc}, \textit{(last visited April 18,2014)}}
\item\footnote{Id.}
\item\footnote{Id.}
\item\footnote{Id}
\end{enumerate}
\end{footnotesize}
used to pay off family debt. Naghma a 6-year old Afghan girl was married off after her father borrowed $2,500 to pay for his wife's medical bills and other family expenses. But when he couldn’t repay the debt he decided the only solution was to marry off Naghma to the lender’s 19-year-old son.\textsuperscript{145} In some situations, the young girls may want to get married because their parents are unable to provide for them and they believe that there best way of surviving is by getting married.\textsuperscript{146}

A look at different income levels in both Egypt and Syria makes it clear that poverty is directly the cause of child marriage. The chart below looks at the Percentage of Women Ages 20-24 Who Wed Before Age 18, by Wealth Quintiles.\textsuperscript{147} This graph shows that In Egypt and Syria, girls belonging to the poorest one-fifth of the population are at least four times more likely to wed before their 18th birthday than those belonging to the richest one-fifth.\textsuperscript{148}

![Chart showing percentage of women who wed before age 18 by wealth quintiles in Egypt and Syria, 2009.](chart.png)

Poverty forces many families to married off their girls at a very young age because

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\textsuperscript{147} Id.

they can no longer provide for them or need the dowry money to feed their other children.\textsuperscript{149} People might claim that child marriage is caused by religion or culture but from the above analysis, it’s clear that child marriage is a worldwide problem and the main cause is poverty. In order to combat this evil practice, governments in Arab countries and the entire world need to fight poverty.

III. WHAT CAN BE DONE TO COMBAT CHILD MARRIAGE

a. \textbf{International Law And Laws In The Arab States}

As stated earlier in this article, Child marriage does not fit the definition of slavery in Article 1 of the 1926 Slavery Convention which defines slavery as “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.”\textsuperscript{150} However, child marriages are considered practices similar to slavery as defined by the UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.\textsuperscript{151} The Slavery Convention calls on states to prescribe a minimum age and ensure consent and registration in an effort to eliminate servile marriage.\textsuperscript{152} It also defines as a practice similar to slavery “any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour.”\textsuperscript{153}

Child marriage is a violation of The 1956 Supplementary Convention. All Arab States have signed on to the 1926 Slavery Convention but many have not signed The 1956

\textsuperscript{151} Id.
\textsuperscript{152} Id.
\textsuperscript{153} Id.
Supplementary Convention, which includes child marriage as practices similar to slavery.\textsuperscript{154} Many Arabs States with the highest child marriage rate have not signed on to the Palermo Protocol of 2000, which included many new protections for women and children against human trafficking.\textsuperscript{155} The 1956 Supplementary Convention is missing key countries that have high rates of child marriage (Yemen, Somalia) and that could be due to internal political pressure in order to sustain the practice of child marriage. A way of reducing the rate of child marriages is to entice countries that have not signed on to the 1956 Convention to become signatories or suffer some economic or international isolation by the international community.\textsuperscript{156}

<table>
<thead>
<tr>
<th>Arabs states that have signed the 1926 Slavery Convention\textsuperscript{157}</th>
<th>Arabs states that have signed the 1956 Supplementary Convention\textsuperscript{158}</th>
</tr>
</thead>
<tbody>
<tr>
<td>All</td>
<td>Kuwait, Jordan, Libya, Algeria, Morocco, Syria, Egypt, Iraq,</td>
</tr>
</tbody>
</table>

As discussed earlier, individual Arab States are passing laws that have increased the minimum age. In 2008, Egypt passed the “Child Law of 2008” which increased the minimum marriage age for females from 16 to 18.\textsuperscript{159} However, we have seen an effort by conservative

\textsuperscript{155} Id.
\textsuperscript{158} Id.
parties in 2012 to lower the marriage age to 14.\(^{160}\) The government has a responsibility to educate the public of the harm that child marriage creates and any attempts by any party to lower the minimum age will fail.

In 2001 the Hashemite Kingdom of Jordan increased the minimum marriageable age to 18.\(^{161}\) However, there are loopholes in the statute which allows for girls younger than 18 to get married. One loophole is that the chief justice retains the discretion to permit the marriage of anyone who is at least 15 years old if it is deemed to be in his or her interest.\(^{162}\) By leaving the exceptions in place, there is potential for abuse by people who are in favor of child marriage.

As discussed earlier, efforts in Yemen to establish a minimum marriage age was blocked by conservative parties who believed that child marriage should be allowed. However, there are some recent efforts by moderate parties to introduce the legislation again this year. The Human Rights Ministry, under Hooria Mashhour’s strong leadership, has put child marriage at the top of its agenda.\(^{163}\) Another minister Fouad Al Ghaffari has indicated the bill will be introduced in the very near future and will be based on the bill blocked in 2009 which would set 17 as the minimum age of marriage.\(^ {164}\)

**b. Promote Economic Opportunities**


As discussed above, poverty is the main cause of child marriage, and the way to combat child marriage is to attack the root cause. As mentioned earlier, the higher the GDP per capita, the less likely that a girl will get married off at a very young age. The international community should maximize aid dollars to countries that have the highest rates of child marriage. The aid dollars should go directly to programs that help the poor get jobs and attend school. Expanding opportunities for girls and young women can help change social norms that view marriage as their only option, particularly in cultures where bride price and dowry are common.

Wealthy Arab countries (Qatar, UAE and Oman) where child marriage is not an issue should donate money to poor countries (Yemen, Syria, Jordan) where child marriage is prevalent rather than building multibillion-dollar stadiums\textsuperscript{165} or the tallest building in the world.\textsuperscript{166} Wealthy Arab Gulf states can offer work visas to people from poor Arab states in order to give them an opportunity to make a living and feed their family rather than marrying off their young daughters. \textsuperscript{167} In the Arab World, corrupt governments usually accept aid funds for education and economic projects but never spend the money on these objectives rather they use the money for personal gain.\textsuperscript{168} The funds should be handed directly to companies that implement these projects rather than to the governments directly.\textsuperscript{169}

\textsuperscript{165} Fifa World Cup, “climate controlled Stadiums”, \textit{available at http://www.qatar.to/stadiums/World-Cup-2022-stadiums.php (last visited April 30, 2014)}
\textsuperscript{166} John Irish, “Burj Dubai cost $1.5bn to build”, \textit{available at http://www.arabianbusiness.com/burj-dubai-cost-1-5bn-build-27430.html, (last visited April 30, 2014)}
\textsuperscript{167} Id.
\textsuperscript{168} Id.
countries to come and study and get an education in the Gulf, establish or fund schools in the poor Arab States. As we see from this graph, the higher the education level, the less likely that a child will be married before 18.

*Percentage of Married Women Ages 20-24 who Wed before Age 18, by education

Supporting girls to stay in school and delay marriage and childbearing translates into greater opportunities for them and their children, allowing them to develop new skills and generate income.\(^{171}\) If the countries with the highest rates of child marriage create more opportunity for education, child marriage will drop significantly. \(^{172}\) Educating girls creates many positive outcomes for economic development and poverty reduction by improving a girl’s income-earning potential and socio-economic status.\(^ {173}\) In the wise words of Queen Rania of Jordan “if you educate a girl, you educate a nation.”\(^ {174}\)

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\(^{170}\) Special tabulations by PAPFAM for Yemen (2003), Syria (2009), and Morocco (2011)


\(^{172}\) Id


Conclusion

Child marriage has been recognized by most of the world as slave like practices, and great progress has been made to eradicate this evil and inhumane practice. However, a lot more is still needed. Many people mistakenly believe that religion and cultural practices are the main causes of child marriage. But that is not accurate, as this article has analyzed, poverty is the main cause of child marriage and if the international community wants to eliminate child marriage they can do so by eliminating poverty.