

Child marriage in the occupied Palestinian territory

Child marriage, defined as a formal marriage or informal union before age 18¹, is a reality for children, although girls are disproportionately the most affected. It is a human rights violation and the practise remains widespread, despite the State of Palestine's ratification of the Convention on the Elimination of All Forms of Discrimination Against Women as well as the Convention on the Rights of the Child in 2014 with no reservations, which both protect children from marriage. Child marriage therefore remains real and present threat to human rights, lives and health of children in the occupied Palestinian territory and is still practised in part due to persistent poverty and gender inequality, which is exacerbated by the protracted Israeli occupation.

As illustrated in figure 1, two out of every ten women aged 20-49 were married before the age of 18 in the West Bank and this number increases to three out of ten women for the Gaza Strip based on PCBS data from 2014². Cases have been detected where girls and boys were as young as 12 years when entering into marriage. When comparing the 2014 data with the 2010³, a decrease can be identified for Palestine as a whole, but also when looking separately at West Bank and Gaza Strip. This decrease is however misleading as pockets within both the West Bank as well as Gaza Strip have experienced an increase thereby leaving communities behind the national trend.



Figure 1⁴

East Jerusalem, refugees and internally displaced people within the Gaza Strip as well as remote parts of the West Bank mostly defined as Area C have been identified as communities where an increase has been identified by partners of the GBV Sub-Cluster. However, the latter is in contrast with data collected through the Palestinian Multiple Indicator Cluster Survey (MICS) 2014, which shows child marriage is more common in urban than rural areas in the West Bank, which is again in contrast with global trends. Some argue that the lower prevalence in rural settings is due to lack of registration in these areas and the higher prevalence in urban areas being due to the more traditional towns of e.g. Hebron, Gaza City and Salbit which increases the average for urban areas. Moreover, data from the Palestinian Family Survey 2010 and the MICS 2014 indicates that child marriage in refugee camps in Palestine has jumped from being consistently lower than urban and rural areas in 2010 to around the same level as urban areas and more than twice the prevalence of rural areas in some cases. In an 2014 Area C Gender/Household Survey by Birzeit University shows the highest prevalence of child marriage is in the Jordan Valley (38 percent) followed by the southern part of the West Bank (35 percent). Additionally, an even higher prevalence rate

¹ 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

² Palestinian Multiple Indicator Cluster Survey (MICS), PCBS, UNICEF and UNFPA, 2014

³ Palestinian Multiple Indicator Cluster Survey (MICS), Palestinian Central Bureau of Statistics (PCBS), UNICEF and UNFPA, 2010

⁴ Palestinian Multiple Indicator Cluster Survey (MICS), PCBS, UNICEF and UNFPA, 2014

was identified in hamlets and encampments (40 percent) compared to other localities (27 percent in villages and 26 percent in urban areas).

Drivers of child marriage

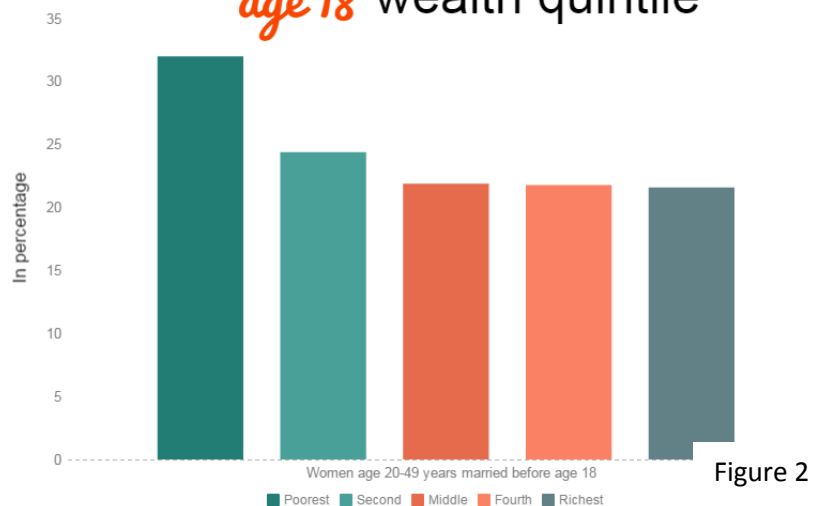
Child marriage functions as a cultural norm as marrying girls under 18 years is rooted in gender discrimination, encouraging premature and continuous child bearing and giving preference to boys' education. Child marriage is also a strategy for economic survival as families marry off their daughters at an early age to reduce their economic burden. A 2015 Study on Child Marriage in Gaza Strip by Women Affairs Center, illustrates the drivers of child marriage can be divided by socio-economic factors such as having multiple daughters which the family have to bread fed and poverty as well as cultural norms such as values of traditional patriarchal society and culture of inter marriage, which is categorised somewhere between the two categories. In most of cases of intermarriage, money does not change hands from one family to the other, therefore making it a cheaper option.

“The problem with intermarriage is there is no bride price, or expenses. In fact, many families use this kind of marriage to decrease marriage expenses. This is the reason for the prevalence of early marriage. I know a family who thinks that if a girl turned 15 and wasn't married would be a catastrophe.” Child bribed, WAC, 2015

The gendered practice of marrying girls off to alleviate financial pressures and that marriage is usually a matter of family concern, rarely left to individual choice, especially for the girl. Unfortunately this also means that the rate of child marriage in Palestine is high compared to the other countries in the region⁵.

Figure 2 illustrating data from the 2014 MICS clearly shows socio-economic factors having an impact on the prevalence of child marriage; poorer households have a higher prevalence of child marriage (32 percent) compared to richer households (21.6 percent)

Women age 20-49 married before by age 18 wealth quintile



The Israeli occupation and its consequences negatively affects child marriage. The harsh economic situation due to the blockade of the Gaza Strip as well as the limited economic activities especially in Gaza Strip and Area C has exacerbated child marriage. This is backed up by data collected through UNRWA field workers as well as the 2014 MICS; girls who drop out of school before completing secondary school due

⁵ The World Bank Data Bank, United Nations Population Division, 2014

to academic underachievement, access restrictions, or to contribute to the family livelihood are much more likely to be married before the age of 18 than those who do not. Longitudinal data demonstrates that child marriage increases in Palestine during times of political tension⁶. Policies imposed by the occupying power causing hindered access to education and employment have been shown to influence marriage patterns and age of marriage through studies and anecdotal evidence collected by UNRWA West Bank. Marrying children to protect them from poverty, sexual harassment and assault from living in overcrowded places has by some families been misunderstood as a protection mechanism leading to several negative consequences especially for girls

Consequences of child marriage

Child marriage has devastating long-term effects on children's psychological, reproductive and sexual health as well as their social wellbeing, education and future prospects. It negatively affects children's likelihood of future engagement in safe relationships and employment and can leave them isolated, without support or choices, and vulnerable to exploitation and abuse. Child marriage is a violation of human rights, compromising the development of girls and often resulting in early pregnancy and social isolation, with little education as many child brides drop out of school (child marriage is responsible for around 5 percent dropout in UNRWA schools in West Bank) and poor vocation training reinforcing the gendered nature of poverty. Women who are married before the age of 18 tend to have more children than those who marry later in life. In West Bank, 21.3 percentage of women aged 15-49 had a live birth before the age of 18, whereas in Gaza Strip, this number increases to 23.7 percentage⁷. Pregnancy related deaths are known to be leading cause of mortality of both married and unmarried girls between the ages of 15 and 19, particularly among the youngest of this cohort.

“My mom didn't tell me what would happen during the wedding night. I was scared, terrified actually, and was crying. I have a weak physique and I can't handle anything. I would hide my face, close my eyes and cry hard. I ran away from him and took a corner as a refuge, but he started hitting me and I started bleeding from my lips. I kept crying. For 5 years, I stayed terrified because he took me with force.” Child bride from Gaza Strip, WAC, 2015

Child marriage is both a type as well as linked to higher rates of gender based violence. 63 percent of women married before the age 18 experienced at least one type of violence in the Gaza Strip according to a 2015 study by WAC, whereas the average for Gaza Strip is 51 percent⁸.

Legal framework

According to the 2015 Country Assessment towards Monitoring and Reporting Sexual and Reproductive Health and Rights by the Independent Commission for Human Rights and Miftah supported by UNFPA,

⁶ The World Bank, Data Bank, United Nations Population Division, 2014

⁷ Palestinian Multiple Indicator Cluster Survey (MICS), PCBS, UNICEF and UNFPA, 2014

⁸ Violence Prevalence Survey, PCBS, 2011

the laws that govern family related issues like marriage are the Personal Status Laws. In the West Bank, the Jordanian Personal Status Law No 61 of the year 1976 is in force, and in the Gaza Strip, Order No 303 on Family Rights was issued in 1954. These laws are old and were subject to several reviews from women rights perspective.

In contradiction with international standard, the minimum age of marriage in the two Palestinian Laws of Personal Status is 14 years and six months in the West Bank and 14 years in Gaza Strip. There is a request by women movement to change this law. Early marriage in Palestine remains a problem both socially and legally. Palestinian law sets a person's legal age at 18 years. That is, according to the law, one must be 18 in order to sign legally binding documents such as a marriage contract. Nevertheless, the law is regularly ignored in the case of marriages, where instead, Sharia Law is followed; indeed, two different versions of Sharia Law are in operation one in West Bank and one in Gaza Strip.

Child marriages violates a range of women's interconnected rights such as equality on grounds of sex and age, to receive the highest attainable standard of health, access to education, freedom of movement, freedom from violence, reproductive rights, and the right to consensual marriage. The consequence of these violations impact not only the woman, but her children and broader society

The above mentioned issues are not compliant with the CEDAW and CRC which the State of Palestine has ratified. There is therefore a clear discrepancy between State of Palestine's international human rights obligations and the legal framework. The issue of marriage is dealt with within the Sharia Laws, which are part of the formal legal system, but not part of the CEDAW process. The State of Palestine therefore have a challenge in how to deal with the Sharia Law and make it compliant with its obligations.

Key advocacy messages

The Country Assessment towards Monitoring and Reporting Sexual and Reproductive Health and Rights in Palestine identified the following key advocacy areas to address child marriage.

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- Update the Personal Status Law in both West Bank and Gaza Strip to be compliant with CEDAW and CRC
 - Adopt the draft Family Protection Bill
 - Advocate with religious and community leaders in both West Bank and Gaza Strip to discontinue the practice of child marriage
 - Increase awareness initiatives by advocating against child marriage and education on the negative consequences of this practice
 - Working with men and boys, women and girls as well as religious and leaders in a gender sensitive manner to change social norms;
 - Advocating in culturally sensitive language for an end to child marriage. Strengthening, implementing and resourcing laws and policies that prohibit child marriage. Specifically – lobbying for the adoption of the Child Law Amendment 2012 in Gaza
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