



# Estimating the Cost of Child Marriage in the Arab Region

Background Paper on the Feasibility of Undertaking a Costing Study



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## **Estimating the cost of child marriage in the Arab region**

**Background paper on the feasibility of undertaking a costing study**

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## Introduction

Child marriage is a human rights violation and a form of gender-based violence (GBV) that results in numerous adverse outcomes for a child's development. The eradication of child marriage is enshrined in several international conventions, with 88 per cent of countries enacting laws prohibiting this practice (World Policy Analysis Center, 2015). However, child marriage continues to be a serious problem. In the past 25 years, the Arab region has experienced a decline in child marriage, yet progress has slowed over the past decade. Although some Arab States have achieved a significant reduction in the practice, prevalence rates vary widely across the different countries. Child marriage affects both girls and boys. However, it affects girls to a much larger extent and the consequences are more profound, particularly in terms of sexual and reproductive health and rights (UNFPA, 2012). Thus, this paper focuses on child marriage among girls.

An interplay of social norms, economics, structures and familial motivations place a girl at risk of child marriage. Gender inequality is widely considered to be a primary driver, and girls from rural areas, poorer households and with less education are at a higher risk (UNICEF, 2018b). Moreover, the multi-faceted ways in which the conditions faced by girls and their families are interlinked with child marriage are often exacerbated during conflict (ESCWA and UNFPA, 2015; ESCWA, forthcoming). Girls who are married in childhood are extremely vulnerable. They are often socially isolated, with limited opportunities for education and employment, and they are subject to numerous detrimental consequences for their sexual and reproductive health and well-being (UNICEF and ICRW, 2017).

The United Nations Economic and Social Commission for Western Asia (ESCWA), the Middle East and North Africa Regional Office, United Nations Children's Fund (UNICEF), the Arab States Regional Office, United Nations Population Fund (UNFPA) and the Regional Office for Arab States, United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) are at the forefront of international and local efforts to eradicate child marriage. These organizations work with community members, governments and stakeholders by supporting the development of programmes that engender sustainable change in the norms and attitudes associated with the role of women and girls. To complement this work, ESCWA, UNICEF, UNFPA and UN Women have formed a partnership to undertake a costing study in the Arab region.<sup>1</sup> A costing approach is an integral part of establishing the evidence base required to guide programming and resource allocation to holistically address child marriage as part of supporting a larger human rights framework.

In this paper, we provide a brief overview of the current understanding of the extent, drivers and consequences of the problem of child marriage broadly and particularly in the Arab region. We also outline the international and national frameworks prohibiting, and efforts to eradicate, this practice. Next, we discuss the importance of costing child marriage and the economic costing model devised by the World Bank and the International Center for Research on Women (ICRW) (Wodon and others, 2017). Drawing on this understanding, we examine the feasibility of undertaking cost estimates of child marriage in the region. This is followed by an exploration of the drivers of and barriers to its decline. Next, we examine the data gaps in the region and detail different costing approaches. The paper concludes with a recommendation to choose two Arab States not impacted by conflict and two States

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<sup>1</sup> This report may refer to both the Arab region and the Middle East/North Africa (MENA) region, sometimes interchangeably. This is because UNICEF's Middle East and North Africa Regional Office also covers Iran. Therefore, data or research deriving from UNICEF may refer to MENA rather than Arab States. However, this background paper aims to develop a model on costing child marriage that is specific to the Arab region.



impacted by conflict in which to undertake costing of child marriage studies and a brief overview of the steps that would be involved. This choice is dependent on the costing option/approach chosen and a further exploration of available data.

## I. Child Marriage

Child marriage, defined by UNICEF as a formal marriage or informal union (cohabitation) involving a child under the age of 18 years, is a human rights violation and a form of GBV that disproportionately affects girls (UNFPA and others, 2018). Girls who are married as children are denied the right to self-determination, that is to freely choose when and whom to marry. Across the globe, there are approximately 650 million child brides, including currently married girls and women who were subjected to marriage as children (UNICEF, 2018a). Child marriage continues to be a serious problem in many countries, including those in the region, where such progress appears to have recently slowed (UNICEF, 2018a). If there is no further reduction in the practice, the total number of women married in childhood worldwide will reach nearly 1.2 billion by 2050 (UNICEF, 2014). To eliminate child marriage by 2030, the global rate of progress observed over the past decade would need to accelerate significantly (12 times faster), indicating the urgency to have comprehensive programmes in place to reduce child marriage. Significant progress has been made to eradicate child marriage over the past 30 years, particularly in the Middle East and North Africa (MENA)/Arab region, though more work clearly needs to be done (Nguyen and Wodon, 2015; UNICEF, 2018a).

### A. Prevalence of child marriage in the Arab region

According to the most recent UNICEF statistics, the MENA region is home to almost 40 million brides married as children (currently married/in union girls and women married/in union in childhood): with 1 in 5 marrying before the age of 18 and 1 in 25 marrying before the age of 15 (UNICEF, 2018b). Though the overall rate of child marriage in the Arab region has been declining quite steadily over the past 25 years, the last decade has witnessed a deceleration of this trend. Indeed, its prevalence is close to the global average, though higher than in regions such as East Asia and the Pacific. Regarding the Arab States region, some States have achieved significant progress in reducing child marriage. For example, the percentage of women aged 20-24 who were first married or in a union before 18 years in Oman went from 51 per cent to less than 10 per cent over the past 25 years. In addition, some countries with a relatively low prevalence rate at the outset, such as Jordan (19 per cent), continue to witness a decline (less than 10 per cent). However, prevalence rates vary widely across the different countries, ranging from 3 per cent in Algeria to 32 per cent in Yemen (UNICEF, 2018b).

Since 2010-2011, there have been noted increases of child marriage in humanitarian settings in the Arab region, particularly among conflict-affected and displaced populations. “While sexual violence, food insecurity, and lack of access to adequate health services have been identified as the most pressing areas of concern among female displaced populations, child marriage has been highlighted as an increasingly alarming problem, one necessitating serious consideration for policy, programmatic, and assistance purposes” (ESCWA and UNFPA, 2015, p. 6). Concrete investments continue to be limited within the Arab region. In the following section, the risk factors and consequences of child marriage are explored.

### B. Drivers of child marriage

An interplay of social norms, economics, structural factors and familial motivations place a girl at risk of child marriage. Structural determinants of child marriage, such as gender inequality stemming from patriarchal norms, are widely considered to be the primary driver of and reason why this problem predominantly affects girls (Hodgkinson, Woster and Miedema, 2016). Conservative gender norms place lesser value on girls than boys and bestow power upon men to make critical decisions regarding girls’ futures. The marriage of girls thus ensures their dependence on men and confines them to

domestic duties (IPPF, 2006). Gender inequality is also compounded by social vulnerabilities such as poverty, another major driver of child marriage (Hodgkinson, Woster and Miedema, 2016). Furthermore, in the MENA region, traditional gender norms may be reinforced by religious belief and practice (UNICEF and ICRW, 2017). Research also shows that, in the MENA region, girls from poorer households or who live in rural areas are at a higher risk of child marriage (UNICEF, 2018b). For example, in Iraq, Morocco and Jordan, girls in the poorest quintile are at least twice as likely to marry in childhood as those amongst the wealthiest quintile. For impoverished families where daughters might be viewed as a financial burden, child marriage provides an economic incentive by ensuring the daughter's security and relieving her parents of financial responsibility for her (IPPF, 2006; Hodgkinson, Woster and Miedema, 2016). The family may also benefit financially if a dowry/bride price is paid.

A girl's level of education also influences her vulnerability to child marriage (UNFPA, 2012). In the Arab region, a higher proportion of child brides have received less education (UNICEF, 2018b). There are many reasons why girls are removed from education and, once married at an early age, their educational prospects diminish considerably. Indeed, the interplay of gender inequality and restricted social mobility outside of the household not only drives child marriage; rather, it is a significant issue limiting the economic opportunities and future potential of girls and young women (UNICEF and ICRW, 2017). In countries where higher levels of educational attainment are associated with an increased likelihood of labour force participation, child marriage may negatively impact women's labour force participation (Wodon and others, 2017). Even in a context where women's labour force participation is low as in the Arab region. UNESCO (2015) research indicates that, though the gender gap in formal education has decreased in the Arab region, gender parity has been achieved in primary education, but not in secondary education. The majority (61 per cent) of the 5 million children who were not enrolled in primary school in 2010 in the region were girls, representing the widest global gender gap, alongside sub-Saharan Africa (UNESCO Institute for Statistics, 2016; ESCWA and UNFPA, 2015). This is a significant issue, as access to education is both a risk factor for child marriage and necessary to holistically combat it. In addition, if a girl leaves school because of poor performance, marriage may be viewed as the next "natural" step (UNICEF, 2014a).

### **C. Child marriage in humanitarian settings**

As indicated above, the risk of child marriage is exacerbated during conflict. Political instability tends to reinforce conservative gender roles, as well as create an economic crisis. Child marriage thus becomes a survival strategy for some families, particularly those who are poor and displaced, as it is an indirect means of providing economic security and a home. Once daughters are married, their parents/guardians no longer need to worry about supporting them or protecting their honour (Spencer, 2015; ESCWA and UNFPA, 2015). In the Arab region, honour can be viewed as social or symbolic capital (Bourdieu, 1986) which gains more significance when economic capital is lacking. "In countries such as the Syrian Arab Republic, Libya, Yemen, Egypt, Somalia and the Sudan, poverty exacerbated by violence has created a fertile environment for an increase in child marriage, with reports of many young girls forced into marriage because their families were in desperate need of money" (ESCWA and UNFPA, 2015, p. 7).

In some situations, even the parents of child brides do not choose this for their daughters. In times of conflict, girls are one of the most vulnerable groups to kidnapping and trafficking. Girls, viewed as the "spoils of war", may be abducted from their families and forced to marry a man who is viewed as a victor or they may be sold into marriage (CARE, 2015). The systematic abduction of girls by armed groups and militias has been recorded in the Syrian Arab Republic and Iraq, where forced marriage has

been used as a weapon of war (UNFPA, 2015; S/2015/852). However, some research indicates that the effects of armed conflict on child marriage appear to vary according to a range of factors and does not necessarily guarantee an increase in marriage rates (Neal, Stone and Ingham, 2016).

#### **D. Consequences**

The consequences of child marriage are numerous and profound. As well as impeding girls' educational opportunities, it increases their risk of being subjected to additional forms of GBV and exploitation (UNICEF, 2005). Young brides often lack decision-making power in their households regarding important issues such as their health, negotiating safe sex and contraception (UNFPA, 2013; Parsons and others, 2015). Indeed, child marriage has many serious sexual and reproductive health consequences for both young girls and their children, including an increased likelihood of frequent and unplanned pregnancies, increased risk of maternal and infant morbidity and mortality, pregnancy complications, including miscarriage, death during childbirth and increased risk of contracting HIV/STIs (UNFPA and UNICEF, 2010; UNFPA, 2012; ESCWA and UNFPA, 2015). In developing countries, complications associated with pregnancy and childbirth are the main causes of death among adolescent girls aged 15-19 years (UNFPA, 2012). Child marriage also negatively impacts the health and nutrition, including stunting, of the children of young married mothers (Wodon and others, 2017).

Child marriage further results in social isolation due to separation from family and friends, as well as lack of freedom to participate in community activities, which can have an adverse impact on girls' mental and physical well-being. Indeed, the interlocking risk factors and consequences of this harmful practice create a vicious cycle involving increased poverty, low or no education, high fertility rates, poorer sexual and reproductive health and greater vulnerability to GBV. As such, child marriage has profound intergenerational implications for the girl child, families and the entire society, ultimately impeding overall socio-economic development. Ending child marriage is fundamental to gender equality, women's empowerment, and improving maternal and child health worldwide. It is also an important part of safeguarding the stability of communities and the global economy. The social and political will to achieve these goals has gained significant momentum over the past decade.

## **II. International and national frameworks<sup>2</sup>**

Several international frameworks prohibit child marriage, either directly or indirectly. The right to "free and full" consent to marriage is enshrined in the Universal Declaration of Human Rights of 1948, which recognizes that informed consent cannot be provided by a minor. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 1979 also provides for the right to protection from child marriage under article 16, which states: "The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage..." The Beijing Declaration and Platform for Action also condemns child marriage. While child marriage is not explicitly covered in the Convention on the Rights of the Child (CRC) of 1989, this framework foregrounds the right to freedom of expression, the right to protection from all forms of abuse and the right to be protected from harmful traditional practices. Furthermore, article 18 also mandates governments to ensure that parents have the resources to care for their children. The practice of child marriage is frequently addressed by the Committee on the Rights of the Child.

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<sup>2</sup> See annex.

An additional international agreement related to child marriage includes the Convention on Consent to Marriage and Minimum Age for Marriage and Registration of Marriages (1964). This is complemented by the resolution by the Human Rights Council on Strengthening efforts to prevent and eliminate child, early and forced marriage (A/HRC/29/L.15) and General Assembly resolution on child, early and forced marriage (A/RES/68/148) adopted on 18 December 2013. In 2017, the Human Rights Council passed a resolution on Child Marriage in Humanitarian Settings (A/HRC/RES/35/16). More recently, Sustainable Development Goal (SDG) 5.3 prioritized the elimination of child marriage for international development. SDG 5.3 is part of the wider 2030 Agenda for Sustainable Development which seeks to eradicate poverty by building on the Millennium Development Goals and the Programme of Action of the International Conference on Population and Development (1994).

At the regional level, article 33 of the Arab Charter on Human Rights (2004) of the League of Arab States affirms the right of men and women to marry with full and free consent and prohibits all forms of violence against women and children. In addition, the African Charter on the Rights and Welfare of the Child and the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (2003) mandate the protection of children from harmful practices such as child marriage.

In line with international and regional frameworks, many Arab States have enacted national legislation setting the age of marriage at 18 years. However, some countries in the Arab region have not followed suit. For example, under article 40 of Sudan's 1991 Personal Status Law of Muslims, children as young as 10 years can marry, while Yemen and Lebanon have yet to set a legal minimum age of marriage. In both countries, internal and external pressure has recently led to a draft Children's Act in Yemen and a draft law in Lebanon seeking to set the minimum age at 18. However, article 15 of Yemen's personal status law prohibits sexual intercourse with a girl until she reaches puberty, even if she is older than 15 years. Whereas, in Lebanon, all religious groups allow girls under the age of 18 years to marry. Even in those Arab States that have enacted legislation setting the age of marriage at 18, local customary law and/or tribal practice, in addition to loopholes that allow for parental or judicial consent, undermine international and national directives. For example, article 19 of the Family Code in Morocco sets the legal age for marriage at 18, but article 16 provides judges with the discretion to marry girls who are younger. Indeed, Egypt continues to be the only country in the region with a minimum age for marriage of 18 without judicial exception.

Further efforts to support State and civil society measures to combat child marriage in the Arab region have been undertaken by United Nations agencies. Building on the UNFPA-UNICEF Global Programme to Accelerate Action to End Child Marriage, UNICEF formed a partnership with UNFPA, civil society and academic institutions to develop and adopt the Regional Accountability Framework of Action to End Child Marriage (RAF) in the Arab States/MENA region. This framework seeks to realize gender equality for girls and to enhance efforts to safeguard their well-being, participation, protection and empowerment by mitigating the impact of conflict on the prevalence of child marriage, while simultaneously addressing the underlying factors driving the practice. Both UNFPA and UNICEF have prioritized the eradication of child marriage in their Gender Action Plan 2018–2021 and Strategic Plan, respectively.

### **Efforts to eradicate child marriage**

To meaningfully eradicate child marriage, robust legal frameworks must be complemented by intersectoral and multilevel partnerships underpinned by an understanding of the complexity of its drivers in different communities. This will ensure that interventions are context-specific, culturally

appropriate and holistic. For instance, while access to quality primary and secondary education is seen by many parents and community members as the most effective way to delay marriage, they still face an array of economic, social and institutional barriers, including costs of school attendance (Wodon and others, 2017). As such, ending child marriage also requires increased and targeted investments from international donors and governments, particularly in high prevalence countries such as the Sudan, Somalia and Yemen, to support families to continue girls' education.

In 2007, the ICRW conducted a global scan of programmes that directly or indirectly address child marriage. Sixty-six programmes were identified, some of which operated in multiple countries; however, only six countries designated "hot spot" areas had one programme each (ICRW, 2007). Most of the programmes reviewed sought to change the social norms driving child marriage by raising awareness among family and community members, as well as providing life skills education to girls. Microfinance and small- and medium-scale enterprise (SME) activities also help women to generate income, which helps to delay marriage. However, there is a dearth of research evaluating the effectiveness of such programmes, so it is difficult to ascertain if funding is being spent efficiently (ICRW, 2007). There is also a lack of reliable data and indicators on child marriage, which presents a significant challenge to the development of programming. These findings reiterate the salience of coordinating programme work to reduce child marriage within the countries which are most vulnerable.

United Nations organizations support the development of programmes and outcome measures, translating learning into best practice. For example, UNICEF supports research and advocacy that helps governments and stakeholders to address the close connection between child marriage and early pregnancy, lack of education for girls, child survival rates and stunting. They also provide a comprehensive package of educational programmes and services in numerous countries as part of their gender action plan. In partnership with UNFPA, they launched the Global Programme to Accelerate Action to End Child Marriage in 2016, reaching more than 754,000 girls in the MENA region and South Asia in the first year (UNFPA and UNICEF, 2017). This work focuses on the community to engender sustainable change in the norms and attitudes associated with the role of women and girls through mediums such as adolescent-led girls' clubs, vocational and life skills training, confidence-building and economic empowerment for girls at risk of marriage. They also provide services to married girls aimed at ensuring protection, ending marital violence and mitigating its effects. In 2016 alone, the joint programme further engaged 1.6 million community members, including religious leaders and peer educators, as well as decision-makers (UNFPA and UNICEF, 2017).

### **III. Importance of costing child marriage**

To date, research has addressed the multifarious and profound consequences of child marriage within an international human rights framework. However, very few studies (and none in the MENA/Arab region) have examined the full short- and long-term economic and social impacts of child marriage for girls, their families, their communities and the national economy. A costing approach is an integral part of developing a comprehensive and holistic response to child marriage by States and other key stakeholders, as part of supporting a larger human rights framework. Estimations of the economic cost of violence against women have been increasingly used to raise awareness and influence policy and legislation, predominantly in Europe and North America, though such undertakings have also occurred in Egypt (Duvvury and others, 2015) and Vietnam (Duvvury, Minh and Carney, 2012). In Egypt, the findings of the national costing study have contributed strongly to the proposed legislation on violence against women, as well as being used by non-governmental organizations and the National Council for Women to raise awareness and put pressure on policymakers (Duvvury and Forde, 2019). In addition to serving as a strong tool for advocacy and policy reform, costing exercises enable the

identification of the key programme investments that could produce accelerated decline. By including other key sectors such as health and education, a costing study can assist in strengthening the case for a multi-sectoral approach to eliminating child marriage.

A recent study by the World Bank and ICRW (Wodon and others, 2017) explored the costs of inaction in relation to child marriage in the most impacted States. This research clearly outlines the adverse impacts of child marriage and their associated costs in five domains: (i) fertility and population growth; (ii) health, nutrition and violence; (iii) educational attainment and learning; (iv) labour force participation and earnings; and (v) participation, decision-making and investments. The findings indicate that areas most negatively affected by child marriage are fertility and population growth, education and earnings, and the health of the children born of young mothers. Indeed, the global costs associated with the impacts of child marriage are significant, particularly in relation to welfare loss associated with population growth. Ending child marriage would produce global savings of approximately \$4 trillion in annual welfare expenditures by 2030 (Wodon and others, 2017).

This research also confirms that the eradication of child marriage would have a large positive effect on the educational attainment of girls and their children, contribute to women having fewer children and having them later in life, increase women's expected earnings and household welfare, lead to substantial reductions in population growth over time and reduce rates of under-five mortality. Regarding education, estimates across 18 countries suggest that by 2030 cost savings could reach \$17 billion annually, a particularly salient finding when we consider that ensuring girls remain in school is one of the best ways to avoid child marriage. Moreover, the cost of achieving pre-primary, primary and universal secondary education in low and lower middle-income countries has been projected at \$340 billion per annum, on average, between 2015 and 2030 (UNESCO, 2015). The cost savings from reducing child marriage could thus contribute to offsetting this cost.

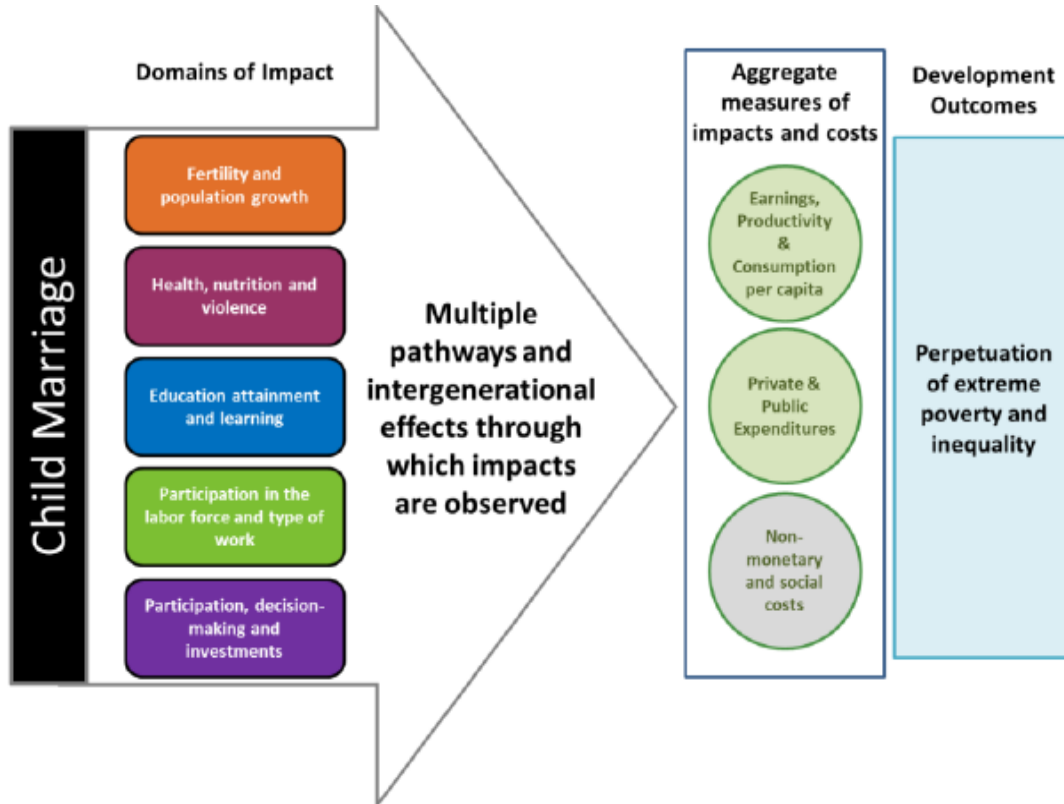
Such progress is not only expected to have positive intergenerational impacts on children but will also have significant benefits for families, the community, and national economy. Governments would secure budget savings in relation to the cost of providing basic education, health (including sexual and reproductive health), social protection and other services. In addition, estimating the cost of child marriage enables States to better understand the costs associated with meeting their due diligence to address violence against women in relation to prevention, protection, prosecution, punishment and redress/compensation. As such, investing in the eradication of child marriage is not only the right thing to do, it also makes sound economic sense. Due to a lack of robust, available data, the MENA and Arab region was underrepresented in the ICRW and World Bank costing study. To address this gap in knowledge and establish the evidence base required to guide programming and resource allocation to fully address child marriage in the Arab region, UNICEF, UNFPA, ESCWA and UN Women have formed a partnership to undertake a costing study in this region, as part of the implementation of the RAF.

#### **IV. An economic costing model for child marriage in the Arab region**

Building on the ICRW/World Bank costing model, this costing exercise seeks to capitalize on recent studies and data at the regional and global level, as well as the increased expertise in methodologies within the Arab region. The model for costing marital violence/domestic violence in the Arab region, developed by ESCWA and UN Women, is currently being implemented in several countries, such as Iraq, Lebanon and the State of Palestine. With the point of departure situated in the economic arguments of inaction provided by the World Bank/ICRW research, the report aimed to: (1) identify and assess available data; (2) identify the drivers of child marriage, trends in decline and barriers to same in targeted countries;

(3) estimate the costs of child marriage in two countries; and 4) identify sustainable intervention areas for investment.

### Framework for Assessing the Economic Impacts of Child Marriage



Source: Wodon and others, 2017.

The World Bank/ICRW model assesses the impact of child marriage at three levels of costs. The first level of costs estimated is the effect on earning, productivity and consumption. For example, the model estimates to what degree the impact of child marriage on education attainment translates into future earnings and productivity of young women, which would have overall implications for household income and, ultimately, on per capita consumption. A second level of costs are estimations of the implications for private and public expenditures, particularly on programmes to address the impacts of child marriage on health, nutrition and GBV. The third level estimates intangible costs or the non-monetary and social costs. These costs focus, particularly, on chronic pain and suffering, loss of quality of life and reduced participation in decision-making. Assessing these levels of costs in a robust manner requires a range of data on myriad variables across multiple years to estimate the effect of changes in rates of child marriage on the three levels of costs.

The World Bank/ICRW model is essentially a “what if” exercise using econometric techniques. The methodology focuses on establishing the outcome effects of child marriage. For example, using econometric regression techniques, the focus is on estimating the effect of an increase in child marriage on outcomes such as fertility, education and/or labour force participation. Once the size of the change is established, the estimation of cost translates the magnitude of impact into monetary terms. For example, a 1 per cent increase in child marriage may result in a 5 per cent decline in labour force participation – this relationship is useful to estimate to project how many women could be in the labour



force but are not, due to child marriage. Using an earnings equation, the potential loss of earnings can be estimated. A key challenge in costing work is representative data regularly collected through cross-sectional surveys. Notably, most countries in the region already collect these data.

While the cost of inaction estimated by the World Bank/ICRW model is useful to establish the broader parameters of savings if child marriage is reduced, it is an incomplete advocacy tool. What is equally important to drive change in resource allocations is to establish the additional burden that child marriage places on the provision of services; in other words, demonstrating the inadequacy and inefficiency of existing investments in the context of child marriage. We will discuss this further in section eight, which considers costing options. The discussion below maps available data on key variables that need to be included in the costing study.

## V. Map of available data

There are approximately 1.2 billion adolescents aged 10-19 years in the MENA region, representing 23 per cent of the total population (UNICEF, 2019a). As discussed in section two, progress to date in the eradication of child marriage in the region has been promising, yet this phenomenon is exacerbated by conflict and progress has slowed in the last decade. Estimating the cost of inaction in relation to child marriage is a useful advocacy tool in this regard. However, there is a dearth of data related to child marriage in the Arab region. Several countries have some data on prevalence, as well as a variety of its main drivers and impacts, providing a good evidence base to work from, nonetheless. Table 1 show the available microdata in Arab States.<sup>3</sup>

**Table 1. Tracking child marriage using microdata in Arab States**

Country	Survey name	Start of survey	End of survey	Number of households	Agencies involved
Egypt	Demographic and Health Survey (DHS)	Apr-14	Jun-14	28,175	Ministry of Health and Population, El-Zanaty and Associates, Demographic and Health Surveys (DHS) Program, ICF International
Iraq	Multiple Indicator Cluster Survey (MICS)	Feb-18	May-18	20,521	UNICEF, Central Organization for Statistics and Information Technology, Kurdistan Regional Statistics Office, Ministry of Health
Jordan	Demographic and Health Survey (DHS)	Oct-17	Jan-18	19,384	Department of Statistics, ICF International
State of Palestine	Multiple Indicator Cluster Survey (MICS)	Feb-14	Apr-14	11,125	UNICEF, Palestinian Central Bureau of Statistics

<sup>3</sup> Data from other States are available.

Country	Survey name	Start of survey	End of survey	Number of households	Agencies involved
The Sudan	Multiple Indicator Cluster Survey (MICS)	Aug-14	Nov-14	9,671	UNICEF, Central Bureau of Statistics
Tunisia	Multiple Indicator Cluster Survey (MICS)	Dec-11	Apr-12	9,600	UNICEF, Ministère du Développement et de la Coopération Internationale, Institut National de la Statistique
Yemen	Demographic and Health Survey (DHS)	Jan-13	Dec-13	17,351	Central Statistical Organization, Ministry of Public Health and Population
Syrian Arab Republic	Pan Arab Project for Family Health (PAPFAM)	Nov-09	Apr-10	27,385	League of Arab States, AGFUND, UNFPA, OPEC Fund for International Development, World Health Organization (WHO), International Organization for Migration (IOM), UNICEF, IPPF, ESCWA and UN Women
Libya	Pan Arab Project for Family Health (PAPFAM)	Jan-14	Mar-14	21,297	League of Arab States, AGFUND, UNFPA, OPEC Fund for International Development, WHO, IOM, UNICEF, IPPF, ESCWA and UN Women

Source: ESCWA, 2019, pp. 5-6.

To that end, the following sections outline the available data on child marriage in Arab States. This data is first situated in the Arab region context. The key domains considered draw on the World Bank and ICRW study on the costs of child marriage (Wodon and others, 2017), as well as the research discussed in section two. This is a preliminary mapping, which requires further development through interviews with United Nations agencies working in the Arab region and a more in-depth literature and database search. Table 2 shows the data availability and the variables required to estimate costs.

Table 2. Data availability - variables to estimate costs

SDGs Indicators	Egypt		Iraq		Jordan		Libya		Palestine		Syria		Sudan		Tunisia		Yemen	
	National	Governorate	National	Governorate	National	Governorate	National	Governorate	National	Governorate	National	Governorate	National	Governorate	National	Governorate	National	Governorate
<b>CHAPTER 1: POVERTY</b>																		
MPI	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Early marriage (before age 15)	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Early marriage (before age 18)	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
<b>CHAPTER2: Health</b>																		
<u>Goal 2: Zero Hunger</u>																		
Stunting prevalence	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Severe stunting prevalence	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Wasting prevalence	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Severe wasting prevalence	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Underweight prevalence	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Severe underweight prevalence	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
<u>Goal 2: Good Health and well-being</u>																		
Overweight prevalence	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Immunization	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Under-five mortality rate	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Neonatal mortality rate	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Skilled attendant at delivery	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Met need	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Female genital mutilation	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Violent discipline	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Use of tobacco	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Fertility (15-19 years)	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Fertility (10-14 years)	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Women and girls (15+) subjected to physical, sexual or psychological violence	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Sexual violence	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●

SDGs Indicators	Egypt		Iraq		Jordan		Libya		Palestine		Syria		Sudan		Tunisia		Yemen	
	National	Governorate	National	Governorate	National	Governorate	National	Governorate	National	Governorate	National	Governorate	National	Governorate	National	Governorate	National	Governorate
<b>CHAPTER 3: EDUCATION</b>																		
<u>Goal 4: Quality education</u>																		
Early child development index	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Attendance to early childhood education	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
School enrolment school aged children 0-17	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Average years of schooling population 25+	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Women in tertiary education	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Parity indices (female/male, rural/urban, bottom/top wealth quintile)	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Education parity indices (Gender Parity)	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Population with education (Total: 15+)	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Youth with education (aged 15-24)	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Population without education (Total: 15+)	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Youth without education (aged 15-24)	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Women's literacy rates; Total (15+) & youth (15-24)	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
<b>CHAPTER 4: HOUSEHOLD CHARACTERISTICS</b>																		
<u>Goal 6: Clean water and sanitation</u>																		
Improved sources of drinking water	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Improved sanitation	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Handwashing facility with water and soap	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
<u>Goal 7: Affordable and clean energy</u>																		
Access to electricity	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Primary reliance on clean fuels	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
<u>Goal 11: Sustainable cities and communities</u>																		
Proportions of urban population	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Population living in inadequate housing	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Access to internet	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Mobile phone	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
<b>CHAPTER 5: PROSPERITY AND LABOR</b>																		
<u>Goal 8: Decent work and clean energy</u>																		
Child labor	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●

Source: ESCWA, 2019.

## A. Drivers of decline

### *What works globally to reduce child marriage*

To reach the SDG 5 on gender equality and specifically target SDG 5.3 on the elimination of child marriage by 2030, the rate of progress in the overall MENA region requires significant acceleration: in fact, it needs to be 10 times faster (UNICEF, 2018b). While Iraq, the Sudan and Yemen require the most progress, elimination is already within reach for Tunisia, Algeria and Oman. According to ICRW (2007), girls' education is the most important factor associated with age at marriage, with secondary education emerging as the strongest factor associated with lower rates of child marriage. Indeed, according to the World Bank (2017), keeping girls in school reduces the likelihood of child marriage, which would reduce rates of under-5 mortality. It is evident from the literature that additional drivers of decline include: the passage of robust legislation, the enforcement of legislation, the development of targeted services, comprehensive reporting mechanisms, eradicating poverty, ensuring equality, and economic empowerment (UNICEF, 2014; Roudi-Fahimi and Ibrahim, 2013; UNICEF/ICRW, 2017). Each of these factors help to raise awareness, as well as to shift traditional norms and attitudes, thus raising the status of girls.

A recent review of the literature by Kalamar, Lee-Rife and Hindin (2016) further suggests that interventions to promote education, including cash transfers, school vouchers, free school uniforms, reductions in school fees, teacher training, and life skills curricula, are among the most likely to aid in the reduction of child marriage. A girl's ability to earn an income, after sufficient schooling, can help alleviate family poverty and provide girls, as well as their families, with the option to delay marriage (ICRW, 2007). Interventions should offset financial incentives for parents to marry daughters at a young age. This can be achieved by making it easier for parents to afford education and by addressing traditional norms regarding bride price and dowry.

Over the past decade, the most significant reductions in the prevalence of child marriage have been witnessed in South Asia, where a girl's risk of marrying in childhood has decreased by more than a third, from approximately 50 per cent to 30 per cent (UNICEF, 2018b). In Indonesia, the risk of child marriage is less than half of what it was 30 years ago. Though prevalence rates also remain high in Africa, important examples of progress are evident, such as in Ethiopia, Guinea-Bissau, Zambia and Rwanda. In Ethiopia, once among the top five countries for child marriage in sub-Saharan Africa, the prevalence rate has decreased by a third during the past decade (UNICEF, 2018a). This reduction has been achieved by a combination of strategies and interventions. Ethiopia launched their combined National Strategy and Action Plan on Harmful Traditional Practices against Women and Children in 2013, which is currently under revision. They also committed resources to address child marriage via awareness-raising and legal literacy classes, improved reporting mechanisms and empowerment of girls. Owing to ongoing efforts by UNICEF, the Government of Ethiopia and development partners the number of child marriage cases identified and reported was four times lower in 2017 than the previous year. Furthermore, 2,776 out of 8,778 reported cases of planned child marriages were prevented (UNICEF, 2017b).

In Bangladesh, young girls are forming child marriage-free zones led by local government and facilitated by Plan International Bangladesh and other NGOs, local government institutions, religious leaders, marriage registrars, children's organizations and members of the community (Gazi and others, 2013). Children's organizations which provide life skills training to enable children to negotiate and delay child marriage in their communities are a fundamental part of these zones. Recommended as a model for scale-up by the United Nations in 2013, the movement has led to a significant reduction in

child marriage in the areas where Plan International works (Gazi and others, 2013). Ghana and Bangladesh are also good examples of the constructive engagement of governments to influence policy and strategy. Ghana's projections informed the Situation Analysis of the National Strategic Framework on child marriage, while in Bangladesh, the analysis informed discussions on child marriage elimination targets. In addition, the "meso-methodology" approach, a budget tracking tool for reviewing and advocating budget investments in child marriage, was piloted in Bangladesh.

### *Arab Region*

As part of the UNICEF and UNFPA Joint Programme on child marriage, Yemen has participated in UNICEF interventions. For example, in 2017, an assessment of child marriage response mechanisms and community attitudes was conducted, which led to the enhancement and expansion of Yemen's social work and case management system. Though the ongoing conflict is causing difficulties, this system, which operates in 6 out of 10 targeted governorates, has identified and prevented potential child marriages, as well as providing a multisectoral package of services (health, legal, psychosocial, education and empowerment) to 15 girls (UNICEF and the Government of Canada, 2017). Though this is a small number of girls, it is a beginning and UNICEF has also informed an additional 18,338 duty bearers, parents, caregivers, and community and religious leaders on the impact of child marriage, the importance of girls delaying marriage and remaining in school, and how to access services, if needed. "Safe Age of Marriage" is another programme in Yemen's Amran Governorate. Among other activities, this project has trained community educators, including religious leaders and nurse-midwives, and involved more than 1,300 outreach interventions, reaching almost 29,000 people. These interventions were instrumental in postponing and preventing 53 girl-child marriages.

A programme which seeks to delay marriage for young girls has also been developed in Egypt (Selim and others, 2013). "Ishraq" ("sunrise" in Arabic) is a project for vulnerable girls in Upper Egypt, which began in 2001. This project seeks to improve education, health, and social opportunities for girls by creating safe learning spaces, such as out-of-school literacy and numeracy skills, life skills, and (for the first time in Egypt) sports, to prepare them for integration into formal schooling. The subsequent exam to enter formal education has generally had a 90 plus pass rate. Local women who have finished secondary school promote the programme and serve as role models. Ishraq has expanded to rural communities in Fayoum, Sohag, and Qena governorates in Upper Egypt, reaching more than 3,000 girls.

## **B. Barriers to decline**

The UNICEF/ICRW study (2017) identified a number of key areas in Arab States that impede sustainable declines in child marriage related to service provision; these include: the need for appropriate reporting mechanisms to effectively report and respond to child marriages (Egypt and Jordan); the need to develop and enhance services for girls at risk of child marriage and for those already married (Jordan and Yemen); and the need for adequate funding to provide effective prevention and response services (the Sudan and Yemen). Ongoing conflict in the region is also a large barrier. As discussed earlier, in areas of humanitarian crisis, child marriage is exacerbated, and it becomes even more difficult to provide programming.

If not addressed adequately, each of the factors identified as drivers of decline will become barriers. For example, if there is no political will to develop robust laws and strategies, or to implement legislation prohibiting child marriage, sustainable reductions will not be achieved. The law influences social norms as much as it reflects them, and traditional norms affecting girls are entrenched in many communities in the region. To address this barrier, investment in education is required. In addition, lack of funding and

expertise for well-coordinated research to explore and assess the context-specific risk factors driving child marriage in all Arab States, as well as evaluations of programmes to address the issue, poses a significant barrier to eradication. As the joint programming efforts to date show, there are solutions and sustained progress is possible. Equally important is the need for community organizing, engagement with civil society and religious institutions and programmes that empower youth.

### **C. Data gaps**

It is currently difficult to assess the prevalence of child marriage in the Arab region as most of the DHS and MICS data on this practice precedes conflicts in the region, though not in all cases, such as in Iraq and Libya. Given that the context has changed, the available data will not fully capture the current context's impact on rates of child marriage. Samples that enhance our understanding of child marriage amongst refugee and internally displaced populations are also needed. Currently, the Jordanian Panel Labour Market Survey (2012, 2014, and 2016) and the DHS (2018) of Jordan have representative samples of the Jordanian, Palestinian and Syrian populations residing in Jordan. Likewise, Lebanon's 2016 MICS collected data on a representative sample of the Lebanese, Palestinian and Syrian populations in Lebanon, and the MICS (2018) for Iraq also has representative information for internally displaced persons.

A stronger evidence base on the social norms underlying child marriage is also required. As social norms are not well captured in traditional surveys such as the DHS and MICS, complementary tools and methodologies are needed. In addition, national data does not capture trends of child marriage prevalence at sub-national level where rates are much higher, particularly in conflict-affected countries (Schlecht, 2016). Evaluation and qualitative research exploring and assessing risk factors and effectiveness of programmes, respectively, would also be of great value. Finally, cost-effectiveness considerations to better understand how interventions and policies can be leveraged to end child marriage are required. For example, recent research argues that that differences in education policies in Jordan and Lebanon had led to differential outcomes in terms of child marriage and schooling of adolescent girls in these countries (Sieverding and Calderón-Mejía, 2019).

According to participants of the UNICEF/ICRW study (2017), lack of coordination amongst different groups conducting research and programming related to child marriage directly contributes to the perpetuation of evidence gaps. In Egypt, data gaps were identified in two specific domains: the link between child marriage and education. There is also a dearth of data on poverty and interpersonal violence, as well as data on the relationships between child marriage and its risk factors and impacts. Furthermore, poverty and nutrition data disaggregated by sex is lacking. Analyses of available DHS and MICS raw data can be employed to generate much of this data.

## **VI. Costing options for the Arab region**

The review of data options above highlights the fragmentary nature of data availability in the Arab region. To produce a comprehensive estimate of the cost of inaction regarding child marriage using the World Bank/ICRW methodology, robust data are required. Data can be gathered from several sources in the region, namely DHS, MICS, and PAPFAM surveys. Moreover, some national household and budget surveys also collect information on marriage, anthropometrics and living standards. These data can be used when other sources are missing.

Even with good data availability, the regression analysis employed involves several caveats. The major limitation of the regression analysis is that one can, at best, "hypothesize" possible quantifiable

impacts of child marriage, rather than quantify these impacts with certainty. Furthermore, the coefficients used to quantify the impacts of child marriage can be significantly affected (most likely an overestimation) depending on model specification, omitted variables, endogeneity and other assumptions of regression analysis. *With these limitations in mind, the proposed costing study on child marriage could have a limited focus on one or two pathways using the best data available to produce a robust partial/indicative estimate.* The key pathways that will have the most traction can be determined by the specific country context.

Another issue to consider is the level at which the costing study should focus. While macro costs at the aggregate level are important to highlight the urgency of action required, it might be more important to understand the impact of child marriage on services in the health, education, vocational training sectors, etc. In other words, the additional resource burden that child marriage imposes may also starkly highlight the need for the prevention of child marriage. This type of analysis is particularly useful in contexts where the social acceptability of child marriage is high and there is little recognition of how child marriage may undermine the effectiveness of ongoing welfare programmes. In addition to an estimation of the additional resource burden due to child marriage, another option is a study focused on evaluation of cost-effectiveness of interventions in communities for prevention and mitigation of child marriage using randomized controlled trials. Cost-effectiveness of different interventions would provide insights into areas of investment for addressing child marriage and provide an estimate of resources required for going to scale of the most effective interventions.

The other type of costing study that could potentially be explored is a study at the household level, examining the impacts of child marriage on the household economy, akin to the ESCWA and UN Women cost of marital violence model (Duvvury and Forde, 2019). A survey collecting specific information on the impacts of child marriage in households may provide insights into the direct impacts for households with child brides. An important pathway that could be studied at the household level is the impact of child marriage on intimate partner violence and the consequences on work and productivity for households.

Essentially, there are two options that could be considered: 1) a targeted costing study modelled after the World Bank/ICRW model for estimating the cost of inaction, focusing on specific pathways based on data availability, or 2) a costing study that estimates the additional resource burden due to child marriage on services using administrative data.

Each type of costing study would have budgetary implications. If the study largely requires secondary data and the database is comprehensive and robust, it would be easier to implement and could potentially be completed in a relatively short time frame. A primary household level data collection exercise would depend on whether the exercise is stand-alone or embedded in another ongoing study. Given that there are some ongoing surveys on marital/intimate partner violence (for example, in the State of Palestine and Morocco), the analysis could focus on establishing differences in outcomes between those married before 18 years and those after 18 years. This would provide an insight into direct impacts at the household level.

## **VII. Recommendations for States to initiate costing studies on child marriage**

Based on the preliminary mapping of data, Tunisia, Oman, Morocco, the Sudan, Jordan, Lebanon and Egypt are potential countries for the costing study. Although Egypt has experienced a decline in child marriage during the past 25 years, it has also witnessed deceleration over the past 10 years, thus providing a good case for identification of drivers of, as well as barriers to decline. In addition, data

from the World Bank/ICRW study could be incorporated. Jordan, in general, has had low child marriage prevalence rates, but the rates are significantly higher among refugee populations. In addition, data on many of the relevant indicators is available for Jordan. Regarding prevalence, the same is true for Lebanon where a 2016 baseline survey captured increasing child marriage prevalence in refugee populations. This disaggregated data would be very useful in a costing exercise. Furthermore, given their recent work on costing marital violence, Lebanon also provide promising evidence of openness to the possibility of data collection (such as strong national partners). In addition, robust studies on child marriage are currently underway in both Lebanon and the Sudan, yet Lebanon has less data on the indicators. The Sudan has data on many of the indicators that are generally more recent than the data from Jordan or Lebanon.

### **VIII. Roadmap overview: undertaking a costing study**

ESCWA and UN Women have established several practical steps to undertake a national domestic violence costing study in the Arab region (Duvvury and Forde, 2019). The model comprises three overarching phases: (1) the preparatory phase, (2) the national consultation phase, and (3) the implementation phase. The steps involved broadly apply to initiating and completing a costing study on child marriage, regardless of the costing approach chosen. The first key step in the preparatory phase involves clearly defining the purpose of the costing exercise. This will determine the scope of the study, the most appropriate methodology to employ and the types of costs to be estimated. A contextual analysis is a salient element of this first phase, as it enables an understanding of the legislative and policy context, as well as the types of data available in the country.

The national consultation phase involves building consensus by establishing partnerships with and among the relevant stakeholders to ensure ownership and implementation of the research findings. Involving the government at the highest possible level is integral part of this process. This is followed by the Implementation Phase, where the research strategy is put into action. To minimize harm to survivors and researchers, the protocol devised by WHO in 2001 must permeate the design, implementation and dissemination of the research. The availability of robust data on the prevalence, drivers and impacts of child marriage will determine the types of costs that can be estimated (primary versus secondary data), etc. First, establish what administrative/secondary data is available. If robust, high-quality data is not available, primary data can be collected via a national survey. In-depth interviews can also provide insights into the drivers and consequences of child marriage, as well as the pathways to its costs. The sample chosen will depend upon factors such as the purpose of the research, the characteristics of the study population and the sample size needed. Capacity development is an ongoing part of the process. It is recommended to have a multidisciplinary research team consisting of individuals with a broad range of relevant methodological expertise.



## Annex

### Ratification status of selected international and regional human rights instruments

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	
Algeria	Ratified: 1996 Reservations: Articles 2, 15(4), 16 and 29.
Bahrain	Ratified: 2002 Reservations: Articles 2, 9(2), 15(4), 16 and 29(1).
Comoros	Ratified: 1994 Reservations: None
Djibouti	Ratified: 1998 Reservations: None
Egypt	Ratified: 1981 Reservations: Articles 2, 16 and 29.
Iraq	Ratified: 1986 Reservations: Articles 2(f), 2(g), 9(1), 9(2), 16 and 29(1).
Jordan	Ratified: 1992 Reservations: Articles 9(2), 16(1c), 16(1d) and 16(1g).
Kuwait	Ratified: 1994 Reservations: Article 9(2), 16(f) and 29(1).
Lebanon	Ratified: 1997 Reservations: 9(2), 16 (1) (c) (d) (f) and (g) and 29(1).
Libya	Ratified: 1989 Reservations: Articles 2, 16(c) and 16(d). Libya has made a general reservation that accession to the CEDAW "...cannot conflict with the laws on personal status derived from the Islamic Shariah." Libya has acceded to the Optional Protocol of CEDAW.
Mauritania	Ratified: 2001 Reservations: Articles 13(a) and 16.
Morocco	Ratified: 1993 Reservations: Article 29
Oman	Ratified: 2006 Reservations: Articles 9(2), 16(a), (c), (d) and 29
State of Palestine	Ratified: 2014 Reservations: None
Qatar	Ratified: 2009 Reservations: Article 2(a), 9(2), 15(1), 15(4), 16(1a), 16(1c) and 16(1f)
Saudi Arabia	Ratified: 2000 Reservations: Article 9(2) and 29
Somalia	Ratified: No Reservations: N/A

<b>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</b>	
The Sudan	Ratified: No Reservations: N/A
Syrian Arab Republic	Ratified: 2003 Reservations: Articles 9(2), 15(4), 16(1c), (d), (f), (g), 16(2) and 29(1)
Tunisia	Ratified: 1980 Reservations: None Tunisia has acceded to the Optional Protocol of CEDAW
United Arab Emirates	Ratified: 2004 Reservations: Articles 2(f), 9, 15(2), 16 and 29(1)
Yemen	Ratified: 1984 Reservation: Article 29(1).
<b>Convention on the Rights of the Child</b>	
Algeria	Ratified: 1990 Reservations: None Ratified: Optional Protocol on the Involvement of Children in Armed Conflict (2009); Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2006).
Bahrain	Ratified: 1992 Reservations: None Ratified: Optional Protocol on the Involvement of Children in Armed Conflict (2004); Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2004).
Comoros	Ratified: 1993 Reservations: None Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2007).
Djibouti	Ratified: 1990 Reservations: None Ratified: Optional Protocol on the Involvement of Children in Armed Conflict (2011); Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2011).
Egypt	Ratified: 1990 Reservations: None Ratified: Optional Protocol on the Involvement of Children in Armed Conflict (2007); Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2002).
Iraq	Ratified: 1994 Reservations: Article 14(1) Ratified: Optional Protocol on the Involvement of Children in Armed Conflict (2008); Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2008).
Jordan	Ratified: 1991 Reservations: Articles 14, 20 and 21. Ratified: Optional Protocol on the Involvement of Children in Armed Conflict (2007); Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2006).
Kuwait	Ratified: 1991 Reservations: Article 7 and 21 Ratified: Optional Protocol on the Involvement of Children in Armed Conflict (2004); Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2004).

Convention on the Rights of the Child	
Lebanon	<p>Ratified: 1991</p> <p>Reservations: None</p> <p>Ratified: Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2004).</p>
Libya	<p>Ratified: 1993</p> <p>Reservations: None</p> <p>Ratified: Optional Protocol on the Involvement of Children in Armed Conflict (2004); Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2004).</p>
Mauritania	<p>Ratified: 1991</p> <p>Reservations: Reservations to articles or provisions which may be contrary to the beliefs and values of Islam, the religion of the Mauritania People and State.</p> <p>Ratified: Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2007).</p>
Morocco	<p>Ratified: 1993</p> <p>Reservations: None</p> <p>Ratified: Optional Protocol on the Involvement of Children in Armed Conflict (2002); Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2001).</p>
Oman	<p>Ratified: 1996</p> <p>Reservations: Article 14</p> <p>Ratified: Optional Protocol on the Involvement of Children in Armed Conflict (2004); Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2004).</p>
State of Palestine	<p>Ratified:</p> <p>Reservations: None</p> <p>Ratified: Optional Protocol on the Involvement of Children in Armed Conflict (2014); Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2017).</p>
Qatar	<p>Ratified: 1995</p> <p>Reservations: Articles 2 and 14</p> <p>Ratified: Optional Protocol on the Involvement of Children in Armed Conflict (2002); Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2001).</p>
Saudi Arabia	<p>Ratified: 1996</p> <p>Reservations: Reservations with respect to all such articles as are in conflict with the provisions of Islamic law.</p> <p>Ratified: Optional Protocol on the Involvement of Children in Armed Conflict (2011); Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2010).</p>
Somalia	<p>Ratified: 2015</p> <p>Reservations: Articles 14, 20, and 21 and any other provisions of the Convention contrary to the General Principles of Islamic Sharia.</p>
The Sudan	<p>Ratified: 1990</p> <p>Reservations: None</p> <p>Ratified: Optional Protocol on the Involvement of Children in Armed Conflict (2005); Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2004).</p>

<b>Convention on the Rights of the Child</b>	
Syrian Arab Republic	Ratified: 1993 Reservations: Article 14 Ratified: Optional Protocol on the Involvement of Children in Armed Conflict (2003); Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2003).
Tunisia	Ratified: 1992 Reservations: None Ratified: Optional Protocol on the Involvement of Children in Armed Conflict (2003); Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2002).
United Arab Emirates	Ratified: 1997 Reservations: Articles 7, 14, 17 and 21 Ratified: Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2016).
Yemen	Ratified: 1991 Reservations: No Ratified: Optional Protocol on the Involvement of Children in Armed Conflict (2004); Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2004).
<b>Maputo Protocol</b>	
Algeria	Ratified: 2016
Egypt	Ratified: No
Comoros	Ratified: 2004
Djibouti	Ratified: 2005
Libya	Ratified: 2004
Mauritania	Ratified: 2005
Morocco	Ratified: No
Somalia	Ratified: No
The Sudan	Ratified: No
Tunisia	Ratified: 2018
<b>African Charter on the Rights and the Welfare of the Child (ACRWC)</b>	
Algeria	Ratified: 2003
Comoros	Ratified: 2004
Djibouti	Ratified: 2011
Egypt	Ratified: 2001
Libya	Ratified: 2000
Mauritania	Ratified: 2005
Morocco	Ratified: N/A
Somalia	Ratified: N/A
The Sudan	Ratified: 2005
Tunisia	Ratified: N/A

## Legal minimum age of marriage outlined in the national legislation of Arab States

**Algeria:** The legal age of marriage for males and females is **19 years**.

**Exceptions:** Child marriage is allowed under exceptional circumstances and with the authorization of a judge. A guardian cannot consent to marriage on behalf of a minor without the minor's consent. The consent of the husband and wife are required for any marriage.

### **Family Code of 1984 (amended in 2005)**

Article 7: A judge may permit girls and boys below 19 years to marry on the grounds of benefit or necessity and upon verification of capacity for marriage.

Article 9: Both parties to the marriage must consent to the marriage.

Article 13: A guardian, whether the father or another person, is prohibited from compelling a minor under his guardianship to contract a marriage, nor may he give her in marriage to anyone without her consent.

Article 33: Marriage without consent is considered void. This provision applies to both marriages that have been consummated as well as those that have not.

### **Civil Status Order**

Article 73: The officer or judge must verify the ages of both parties and verify that court permission has been granted if either of the parties is below 19 years.

Article 74: Both parties are required to present documents, such as a birth certificate, that prove their age at the time of contracting the marriage.

Article 77: Provides for a fine of 200 Algerian dinars for an officer or judge who violates any of the specified marriage contracting or registration procedures.

### **Penal Code**

Article 326: Exonerates a man who abducts a girl under 18 years without violence, threat or deception if he later marries her. If the victim marries her abductor, the offender can only be prosecuted if the marriage is annulled.

Article 441(1): Provides for a prison penalty, a fine, or both for any officer or judge who registers a marriage contract without the required consent (which include consent of a woman or her guardian).

**Bahrain:** Legal minimum age of marriage is **16 years** for girls (**18 years for boys**).

**Exceptions:** A girl under the age of 16 may be married with permission from the court.

### **Decision of the Minister of Justice (2016)**

Articles 9(5) and 9(6): Requires permission of the sharia court for:

(i) marriage of a Bahraini over 60 years old with a foreigner who is not a citizen of any of the Gulf Cooperation Council countries; and

(ii) marriage of a Bahraini woman below 20 years to a foreigner over 50 years.

### **Family Act**

Article 17: It is prohibited to force a woman to marry against her will, regardless of her age.

Article 20: A girl below 16 years of age cannot be married except by permission of the sharia court, upon verifying the suitability of the marriage.

Article 25: The consent of both parties to marriage is required.

Articles 26 and 27: Consent must be expressed in clear understandable terms, either explicitly or implicitly.

### **Penal Code**

Article 353: A perpetrator is exempt from criminal prosecution for crimes of rape, sexual assault, or immoral acts if the woman who is the victim of the crime marries the perpetrator.

**Comoros:** The legal age of marriage for males and females is **18 years**.

**Exceptions:** A minor can marry with judicial consent.

### **Family Code, 2005**

Article 14: The legal age of marriage for women and men is 18 years.

Article 15: A judge can authorize a marriage below the legal age in certain circumstances and if both spouses consent.

### **Penal Code**

Article 299: Penalties will be applied to anyone who allows a marriage according to customary law with a child below the age of 13 years.

**Djibouti:** The legal age of marriage for males and females is **18 years**.

**Exceptions:** A minor can marry with the consent of a guardian or with a judge's approval if consent is not granted.

### **Family Code, Law No. 152 of 2002**

Article 7: Marriage occurs with the consent of both spouses and the woman's guardian.

Articles 13 and 14: The minimum age of marriage for men and women is 18 years, but a minor can marry with the consent of a guardian or with a judge's approval if consent is not granted.

Article 16: The father or his representative, the grandfather or his representatives, can consent to the marriage of the minor child, whether male or female, and in accordance with the provisions of Article 14.

Article 17: A man and woman can attend their wedding by themselves or by proxy. The one who consents to the marriage of a minor may also do so by proxy. The guardian can also exercise his rights by proxy.

**Egypt:** The legal age of marriage for males and females is **18 years**.

**Child Law No. 126 of 2008**

Article 2: The minimum age of marriage is 18 years.

**Iraq:** The legal age of marriage for males and females is **18 years**.

**Exceptions:** Under exceptional circumstances and with the authorization of a judge and legal guardian, marriage may be allowed for females below the age of 18.

**Constitution of 2005**

Article 29: Guarantees the protection of motherhood, childhood and old age, and also prohibits of all forms of violence and abuse in the family, school and society.

Article 41: Guarantees that Iraqis are free in their commitment to their personal status according to their religions, sects, beliefs, or choices, and this shall be regulated by law.

**Penal Code**

Article 398: Allows a perpetrator of rape to escape punishment by marrying the woman he raped. If the offender lawfully marries the survivor, the legal action becomes void.

**Law No. (188) of the year 1959 Personal Status Law and amendments (unified)**

Article 7.1: Establishes that for a marriage to be valid, the two parties to the contract should have reached 18 years.

Article 8: Allows, on an exceptional basis, the marriage of 15-year-olds, under judicial authorization and after obtaining the approval of the legal guardian.

Article 9: Indicates that no relative or non-relative has the right to force marriage on any person without their consent. Sentences might reach up to 10 years depending on the degree of relative.

**Amended Personal Status Law in the Kurdistan Region-Iraq no. 15 of 2008**

Article 5: If a 16-year old wishes to marry, the judge can authorize the marriage if the eligibility and physical ability of the person is established and approval received from the guardian. If the guardian abstains, the judge calls upon them to state their agreement during a determined period. If the guardian does not object or if they submit an objection that is unworthy of consideration, the judge shall allow the marriage.

**Act No. 8 from 2011, Act of Combating Domestic Violence in the Kurdistan Region-Iraq**

Article 2: Defines forced marriage, exchange marriage and marriage of minors as a form of domestic violence.

**Jordan:** The legal age of marriage for males and females is **18 years**.

**Exception:** A judge has discretion to consent to the marriage of a minor who is 15 years or older as defined by sharia court judges.

### **Temporary Personal Status Law No. 36 of 2010**

Articles 6 and 7: The prospective bride and groom must both consent to the marriage.

Article 10(a): The minimum age for marriage is 18 years for men and women.

### **Jordanian Penal Code No. 16 of 1960**

Article 279(2)(3): A prison sentence for a period of 1 to 6 months shall be imposed upon any person who:

2. Marries a girl or, performed, or assisted in performing in any manner whatsoever, the marriage ceremony of a girl under 15 years of age; or,

3. Marries a girl, performed, or assisted in performing in any manner whatsoever, the marriage ceremony of a girl under 18 years of age, without having previously acknowledged that the guardian of the girl gave his consent to such a marriage.

Article 304(1): Unless a harsher sentence is deserved, a prison sentence for a period of 3 months to 1 year shall be imposed upon any person who deflowers a virgin, who has reached 15 years, after promising to marry her. The perpetrator shall also guarantee her virginity.

**Kuwait:** The minimum age of marriage for girls is **15 years** and 17 years for boys.

**Exception:** A female may be married before the minimum age if she has reached puberty.

### **Personal Status Act No. 51/1984**

Article 8: A marriage is concluded upon an offer to the guardian of the prospective bride and the acceptance of the prospective bride or whoever represents her.

Article 24: Both parties must have reached puberty for a marriage to be valid.

Article 26: The minimum age of marriage is 15 years for girls and 17 years for boys.

Article 29: A judge can act as guardian in the absence of male relatives.

Article 31: If a guardian opposes a marriage, the prospective bride may seek the authorisation of a judge to get married.

Article 32: A guardian may conclude a marriage between himself and the woman under his guardianship provided they are not closely related and if she consents.

Article 92: A marriage must be documented by an official marriage certificate; non-registration does not necessarily invalidate the marriage.

### **Penal Code:**

Article 28: Permits an otherwise criminal act if it is 'committed in good faith,' provided the perpetrator has complied with the limits of that right.

Article 182: Exempts a kidnapper of a woman from criminal liability if he marries the victim with the permission of her guardian.



**Lebanon:** The minimum age of marriage varies among religious sects. Although most religious sects set the minimum age as 18 years for boys, all religious groups allow girls under the age of 18 years to marry.

**Exceptions:** Among Sunni and Shiite Muslims, marriage of girls as young as 9 years can occur if approval is granted. Among the Jewish denomination, girls as young as 12½ years may marry. Among Syrian Orthodox and Armenian Orthodox churches, a girl may be 14 years old when she marries.

### **Personal Status Laws**

There are 15 Personal Status Laws for 18 religious communities. Among Sunni and Shiite Muslims, marriage of girls as young as 9 years can occur if approval is granted. Among the Jewish denomination, girls as young as 12½ years may marry. Among Syrian Orthodox and Armenian Orthodox churches, a girl may be 14 years when she marries.

### **Penal Code**

Article 505: Provides for statutory rape in the case of sex with a minor. It is a criminal offence to have sexual intercourse with a minor under the age of 15 years (regardless of consent). A penalty of imprisonment for a period of between two months and two years applies to anyone who has sexual intercourse with a minor over 15 years but under 18 years. Longer prison terms apply if the victim is under 12 years or between 12 and 15 years. In the event of a valid marriage between them, the prosecution shall be stopped.

Article 518: A man who seduces a virgin girl with the promise of marriage will be punished, if the act does not require a more severe penalty, with imprisonment for up to 6 months and a fine of between 3 million and 5 million lira or 1 of the 2 penalties [ . . . ] In the event of a valid marriage between them, the prosecution shall be stopped.

**Libya:** Legal minimum age of marriage is **20 years** [eastern part of the State] and **18 years** [in the western part of the State]. It is unclear what law is in place in the southern part of the State.

**Exceptions:** Under exceptional circumstances and with the authorization of a judge and legal guardian, marriage may be allowed below 20 years. The law allows a perpetrator of rape, including statutory rape of a minor, to be excused of his crime if he marries his victim; a judge simply legitimizes the union.

### **Law no. 10 of Personal Status, 1984 (eastern part of the State)**

Article 6: Establishes that a person becomes eligible for marriage at 18 years. Marriage before that age can happen with the consent of a guardian if it is believed to be advantageous or beneficial to both parties involved.

Article 8: Prohibits forced marriage.

The original law passed in 1984 set the minimum age at 20, however since the 2015 modification by the General National Congress the minimum age has been set to 18 years under **Law no. 14, 2015**, which is effective in the western part of the State.

### **Penal Code**

Article 424: Exonerates a rapist if he marries his victim and does not divorce her for a period of 3 years.

**Mauritania:** The legal age of marriage is **18 years**.

**Exceptions:** The exception concerns the girl expressing her desire to marry, and it is up to the justice system to rule on this.

### **Le Code du Statut Personnel (2001)**

Article 5: For a marriage to be contracted, the following elements must be present: two spouses, the guardian, the dowry and consent.

Article 6: Any person of sound mind who is at least 18 years old shall be able to marry. A disabled person may be married by his or her guardian if the guardian sees an obvious interest in the marriage.

Article 9: Guardianship is exercised in the interests of the woman. A woman who has reached the age of majority cannot be married without her consent and the presence of her guardian.

Article 26: A marriage is contracted by consenting parties, expressed in the established words or using any expression acceptable by usage. If a person is unable to express himself or herself, valid consent can be expressed either in writing or by any sign expressing willingness with certainty.

### **Order No. 2005-015 on the Judicial Protection of Children:**

Article 41: A father or mother who fails to meet their legal obligations to the extent of seriously jeopardizing the health, safety, moral well-being or education of their child shall be punished by a term of imprisonment of 6 months to 1 year and a fine of 80,000 - 120,000 ouguiyas.

The parents and people with authority over the child who request that the child's marriage be registered and the authorities who proceed with the registration without respecting the legal age for marriage and consent shall be punished by 3 to 6 months in prison and a fine of 100,000 - 200,000 ouguiyas.

**Morocco:** The legal age of marriage for males and females is **18 years**.

**Exceptions:** Parents can apply for a waiver from a judge to permit underage marriage with the informed consent of the minor. The judge may authorize an underage marriage after considering the reasons justifying the marriage, after having heard the views of parents or guardians and with the assistance of medical evidence, or after having conducted a 'social enquiry.'

### **Family Code**

Article 19: Provides that the legal age for marriage for males and females is 18 years.

Article 20: The judge can authorize an underage marriage after considering the reasons justifying the marriage, after having heard the views of parents or guardians and with the assistance of medical evidence, or after having conducted a social enquiry.

Article 21: The marriage of a minor is contingent on the consent of his/her legal guardian. The legal guardian's consent is expressed by signing, along with the minor, the marriage authorization petition and being present during the conclusion of the marriage contract. If the minor's legal guardian refuses to consent, the Family Affairs Judge rules on the matter.

Article 44: The marriage of a minor is contingent on the consent of his/her legal guardian. The legal guardian's consent is expressed by signing, along with the minor, the marriage authorization petition and being present during the conclusion of the marriage contract. If the minor's legal guardian refuses to consent, the Family Affairs Judge rules on the matter.

### **Bulletin**

Requires prosecutors to ensure that the adjudications of petitions for child marriage authorizations take into account the interests of the bride and groom.

### **Law 103.13/2018 on Fighting Violence against Women**

Article 503-2-1: Any person having coerced the other to marriage by means of violence or threat shall be sentenced to 6 months to 1 year of imprisonment and a fine ranging from 10000 to 30000 Dirhams or one of them only. Such sentences shall be doubled if such coercion to marriage by means of violence or threat is perpetrated against a minor, a woman because of her gender, a woman with disability or known to have mental incapacity [...] Prosecution shall only be possible upon a complaint submitted by the person upon whom the coercion has been exercised. The prosecution shall be put to an end if the complainant waived his/her right thereto. After such waiver is made the impact of the judicial decision if rendered shall also be ineffective.

**Oman:** The minimum age for marriage is **18 years**.

**Exceptions:** Marriage of persons aged less than 18 years is prohibited except if approved by a judge after verifying that the marriage would be beneficial.

### **Personal Status Law**

Article 7: The minimum age for marriage is 18 years for males and females.

Article 10: Marriage of persons aged less than 18 years is prohibited except if approved by a judge after verifying that the marriage would be beneficial.

Article 11: Permission of a guardian is usually required for a woman to marry.

Article 19: The guardian is required to conclude the marriage with a woman's consent.

### **Royal Decree 55/2010**

Prevents a guardian from obstructing a woman's decision to marry her choice of husband and empowers the state to intervene as a guardian.

**State of Palestine:** The minimum legal age of marriage as 15 years for girls and 16 years for boys in the West Bank, and 17 years for girls and 18 for boys in the Gaza Strip.

**Exceptions:** A girl can marry at the age of 14 years if a judge approves the marriage as being in the child's interests.

### **Jordanian Personal Status Law of 1976 (West Bank)**

Article 5: It shall be a condition that the male has reached 16 years of age and the female has reached 15 years of age.

Article 6:

1. The judge shall have the right to wed a virgin who has reached 15 years of age in the event the guardian has barred the marriage from occurring, other than the father or grandfather from among the guardians without a legitimate reason.

2. In case her father or grandfather has barred her from marriage, her request shall not be heard unless she has reached 18 years of age and the barring was without a legitimate reason.

Article 7: Concluding a contract with a woman who has not yet reached 18 years of age shall be prevented in case her fiancé is more than 20 years older than she, unless a judge had verified her consent and choice and her interest is established.

#### **Egyptian Family Rights Law, Issue No. 303 of 1954 (Gaza Strip)**

Article 5: Eligibility for marriage requires that the male be 18 years of age or more and the female be 17 years of age or more. The personal status laws for Muslims require women to obtain the consent of a guardian in order to marry.

Article 6: In the event the male adolescent, who has not yet completed 18 years of age, claims that he has reached the age of majority, the judge shall be entitled to permit him to marry.

Article 7: In case the female adolescent, who has not yet completed 17 years of age, claims that she has attained the age of majority, the judge shall be entitled to permit her to marry and her guardian thus permits.

Article 8: No one may wed the male minor who is not yet 12 years of age or the female minor who is not yet 9 years of age.

Article 9: In the event the woman, who has completed 17 years of age, reports to the judge with the intention of marriage to a man, the judge shall inform her guardian thereof. If the guardian does not object or his objection is unintelligible, the judge shall permit her to marry.

Article 11: The guardian in marriage shall be the paternal kinsman in the sequential order. In case he does not exist, the guardianship shall be transferred to the judge.

#### **Child Law No. 7 of 2004**

Article 1: Childhood is 18 years.

#### **Penal Code no. 16 of 1960**

Article 279: A prison sentence for a period of 1 to 6 months shall be imposed upon anyone who:

1. Knowingly performs or assists in performing a marriage ceremony in contradiction with the provisions of the Family Rights Law, or any other law that applies to the spouse; or

2. Marries a girl or performs or assists in performing the marriage ceremony of a girl under 15 years of age; or

3. Marries a girl or performs or assists in performing the marriage ceremony of a girl under 18 years of age, without having previously acknowledged that the guardian of the girl gave his consent to such a marriage.

Article 294

1. Any person who has sexual intercourse with a female who is under 15 years of age shall be sentenced to temporary hard labour;

2. The sentence shall not be less than 5 years if the victim is less than 12 years of age.

Article 305: A prison sentence for a period not exceeding 1 year shall be imposed upon any person who engages in unwanted sexual contact with:

1. Another person, male or female, under 15 years of age; or,

2. A woman or girl, who has reached 15 years of age, but without their consent.

**Penal Code no. 74 of 1936 (Gaza Strip)**

Article 182: Any person who:

a. Knowingly celebrates or is a party to the celebration of a marriage otherwise than in accordance with the law applicable to the parties to such marriage, or

b. Marries, celebrates, or in any capacity assists with or in connection with the celebration of a marriage of a female who is under 15 years of age, or

c. Marries, celebrates or in any capacity assists with or is in connection with the celebration of a marriage of a female who is under 18 years of age without having first ascertained that the parents or guardian of said female consented thereto, is guilty of a misdemeanour and is liable for imprisonment for 6 months.

Article 183: It shall be a good defence to a charge brought under paragraph (b) of section 182 of this code to prove:

a. That the marriage took place with the consent of any living parent(s) or guardian(s) of the female, and

b. That at the time of the marriage the female had reached puberty, and

c. That at the time of the marriage a certificate that no physical ill effects would be likely to follow the consummation of the marriage by the female.

**Qatar:** The minimum age for marriage is 18 years for boys and **16 years** for girls.

**Exceptions:** Marriage below the minimum age is allowed only after the approval of both parties' guardians, the consent of intending spouses, and the permission of a judge

**The Family Law of 2006**

Article 16: The minimum age for marriage is 18 years for boys and 16 years for girls.

Article 17: Marriage below the minimum age is allowed only after the approval of both parties' guardians, the consent of intending spouses, and the permission of a judge.

Article 28: The bride's guardian, regardless of her age, must conclude her marriage contract with her permission.

**Saudi Arabia:** There is no minimum age for marriage specified. Girls may marry after reaching puberty with the consent of their guardian.

The Shura Council recommends that the minimum age for marriage be 16 years for girls.

Females require the consent of a guardian to marry. If a guardian refuses to agree to the marriage, the female must apply for a court order. In such cases, the judge assumes the role of the guardian and may approve the marriage.

**Somalia:** The minimum age of marriage for both for males and females is **18 years**.

**Exceptions:** Females between the ages of 16 and 18 can marry with their guardian's consent. If the guardian refuses consent, a judge may grant permission for girls to marry without the guardian's consent in exceptional circumstances.

### **The Family Code**

Articles 16 and 17: Females between the ages of 16 and 18 can marry with their guardian's consent. If the guardian refuses consent, a judge may grant permission for girls to marry without the guardian's consent in exceptional circumstances.

### **Penal Code of 1962**

Whoever, with violence, threat or deceit abducts or detains for purposes of marriage an unmarried person, shall be punished with imprisonment from 1 to 3 years.

### **Provisional Constitution of the Federal Republic of Somalia**

Article 28(1): A marriage shall not be legal without the free consent of both the man and the woman, or if either party has not reached the age of maturity.

**The Sudan:** The minimum age of marriage for both for males and females is **18 years**.

**Exception:** Other articles allow underage marriages in some cases.

### **Personal Status Law**

Article 25: The woman's male guardian must approve the marriage.

Article 34: The woman's consent to marriage is required. A judge can provide consent if the guardian refuses consent without justification. The guardian can request the court to annul a marriage if the guardian considers the husband to be unsuitable on moral or religious grounds.

### **Interim Constitution**

Article 15(1): The family is the natural and fundamental unit of society and is entitled to the protection of the law; upon reaching legal acknowledged age a man and woman may marry, with consent [...]

Article 32(5): The State shall protect the rights of the child as provided in the international and regional conventions ratified by Sudan.

### **The Muslim Personal Law Act of Sudan, 1991**

Section 34(1): The marriage of a pubescent woman shall be concluded by her guardian with her permission and consent to the husband and the dowry. Her word regarding her attainment of pubescence shall be conclusive unless it contradicts the obvious.

Section 34 (2): A virgin pubescent woman's express or implied affirmation is necessary if her guardian concluded her marriage contract and informed her later.

Section 40(3): The guardian of a minor girl cannot conclude her marriage contract unless there is permission from the judge. The guardian has to prove that the marriage will benefit the minor girl, that the husband is suitable, and the husband pays the dowry usually paid to women of her status.

Article 215: The age of majority shall be 18 years – the age at which a person has the legal capacity to conclude a marriage contract.

**Syrian Arab Republic:** The minimum age of marriage for males is 18 years and **17 years for females.**

**Exceptions:** Judges can authorize a marriage of a girl from 13 years. If a 17-year-old girl wants to marry and the guardian does not object, the judge shall authorize the girl's marriage.

### **Personal Status Law**

Article 16: The eligibility for marriage is reached at the age of 18 years for a boy and 17 years for a girl. Judges can authorize a marriage of a girl from the age of 13 years. If a 17-year-old girl wants to marry and the guardian does not object, the judge shall authorize the girls' marriage.

Article 18: If an adolescent boy has attained puberty after completing his 15<sup>th</sup> birthday or an adolescent girl has attained puberty after completing her 13<sup>th</sup> birthday and either has requested to get married, the following shall be imposed: The judge shall authorize him/her if the judge ascertains the truthfulness of his/her claim and the competency of his/her body. The consent of the guardian is required if the guardian is either the father or the grandfather.

Article 20: If a girl has completed her 17<sup>th</sup> birthday and wants to marry, the judge shall ask her guardian for a statement of opinion. If the guardian does not object, the judge shall authorize the marriage on the condition of legal competency.

Article 21-26: The consent of the wife a basic condition for marriage and a marriage will not be considered valid without it.

**Tunisia:** The minimum age of marriage for both for males and females is **18 years.**

**Exceptions:** Women have the freedom to consent to marriage and to conclude a marriage contract directly, without the requirement to obtain the consent of the father or guardian. In exceptional cases, a marriage contract below the prescribed age can be concluded after obtaining special permission from the court.

### **Personal Status Law of 2007**

Article 3: Marriage can only be entered into with the consent of both spouses.

Article 5: The minimum age of marriage for both for males and females is 18 years.

Article 6: It is possible in exceptional cases to conclude a marriage contract below the prescribed age after obtaining special permission from the court, which is given only for serious reasons and for the obvious interest of the spouses.

**United Arab Emirates:** The legal age for marriage is **18 years** for males and females.

**Exceptions:** However, individuals who have reached puberty may marry before 18 years, with judicial consent.

### **Personal Status Act (2005)**

Article 30: The legal age of marriage for both women and men is 18 years. In exceptional circumstances, persons under this age may marry upon the judge's approval which verifies the person's interests

Article 35: The father of a woman is considered as her guardian; however, if he is deceased or otherwise unavailable, the guardianship is passed to other male relatives. In certain circumstances, the court may also serve as the marriage guardian.

Article 39: A woman is entitled to choose her husband and her approval and signature determine the validity of the contract.

**Yemen:** Currently there is no legal minimum age of marriage. The Personal Status Law prohibits sexual intercourse with a girl until she reaches puberty, even if she is older than 15 years.

#### **Personal Status Act No. 20 of 1992**

Article 15: Prohibits sexual intercourse with a girl until she reaches puberty, even if she is older than 15 years. The marriage of a boy is not legally valid unless it is proven for the good.

Article 16: If a woman marries without the permission of her male guardian, the guardian is entitled to file for an annulment of her marriage.

Article 18: A woman can resort to the judiciary if she seeks to refuse a marriage arranged by the guardian. If the guardian of a woman or her next of kin does not accept the judge's order, the judge can assume the role of the woman's guardian. The law stipulates that the woman's own consent is necessary to marry, although a woman is not allowed to sign her own wedding contract. The silence of a virgin bride is sufficient to signify consent to marriage.

Article 23: Only previously married women need to express consent to a marriage.



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