

Child marriage in the occupied Palestinian territory

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

As illustrated in figure 1, two out of every ten women aged 20-49 were married before the age of 18 in the West Bank and this number increases to three out of ten women for the Gaza Strip based on PCBS data from 2014.² Cases have been detected where girls and boys were as young as 12 years when entering into marriage. When comparing the 2014 data with the 2010,³ a decrease can be identified for Palestine as a whole, but also when looking separately at West Bank and Gaza Strip. This decrease is however misleading as pockets within both the West Bank as well as Gaza Strip have experienced an increase thereby leaving certain communities lagging behind the national trend.

East Jerusalem, refugees and internally displaced people within the Gaza Strip as well as remote parts of the West Bank mostly defined as Area C have been identified as communities where an increase has been identified by partners of the GBV Sub-Cluster. However, the latter is in contrast with data collected through the Palestinian Multiple Indicator Cluster Survey (MICS) 2014, which shows child marriage is more common in urban than rural areas in the West Bank, which is again in contrast with global trends. Some argue the lower prevalence in rural settings is due to lack of marriage registration in these areas and the higher prevalence in urban areas being due to the increased prevalence in cities that are traditionally more conservative such as Hebron, Gaza City and Salfit. Moreover, data from the Palestinian Family Survey 2010 and the MICS 2014 indicates child marriage in refugee camps in Palestine has jumped from being consistently lower than urban and rural areas in 2010 to around the same level as urban areas and more than twice the prevalence of rural areas in some cases. A 2014 Area C Gender/Household Survey by Birzeit University shows the highest prevalence of child

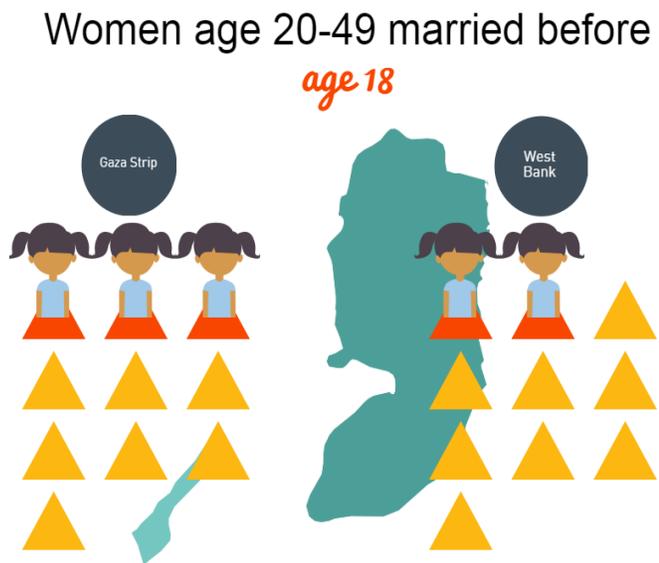


Figure 1: data for East Jerusalem is incomplete and difficult to collect. Data is also incomplete as many child marriages are not registered and not recorded in prevalence surveys.

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

¹ Article 1 of the Convention on the Rights of the Child establishes that a child is any human being under the age of 18

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

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

marriage is in the Jordan Valley (38 percent) followed by the southern part of the West Bank (35 percent). Additionally, an even higher prevalence rate was identified in hamlets and encampments (40 percent) compared to other localities (27 percent in villages and 26 percent in urban areas).

Drivers of child marriage

Marrying girls under 18 years is rooted in harmful social norms and gender discrimination and encourages premature and continuous child bearing and a preference for boys' education. Child marriage is also a negative coping mechanism for poverty as families marry off their daughters at an early age to reduce the economic burden of feeding, educating and supporting their girl children and passing the responsibility for her security to a husband. A 2015 Study on Child Marriage in Gaza Strip by the Women Affairs Center illustrates the drivers of child marriage can be divided by socio-economic factors such as having multiple daughters, poverty and harmful patriarchal norms that support forced intermarriage between first degree relatives. In most of cases of intermarriage, dowry money does not change hands from one family to the other, therefore making it an affordable marriage option for struggling families.

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

Child marriage is rarely left to individual choice, especially for the girl, and is instead the result of a family decision to alleviate financial pressure and abide by social norms. Unfortunately this also means the rate of child marriage in Palestine is high compared to the other countries in the region.⁴

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

The Israeli occupation and its consequences negatively affects child marriage. Policies imposed by the occupying power causing insecurity such as the blockade of the Gaza

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

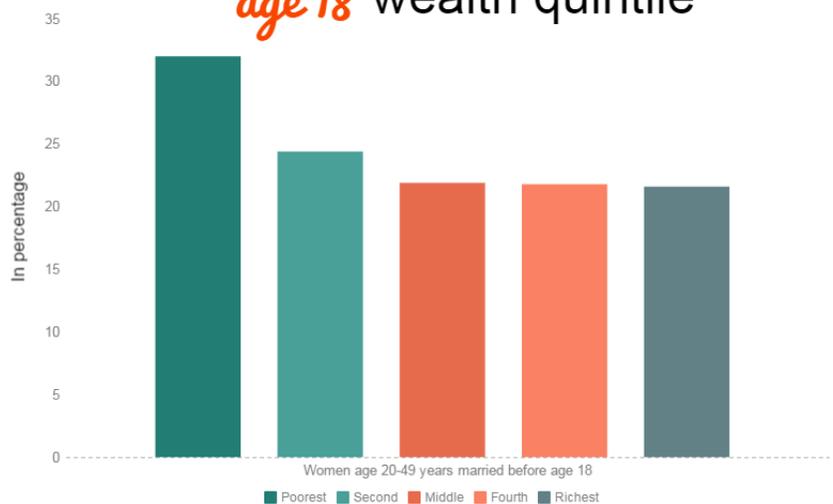


Figure 2

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

⁴ The World Bank Data Bank, United Nations Population Division, 2014

Strip as well as the limited economic opportunities, movement restrictions, restrictions on access to education and violence in Area C and East Jerusalem have exacerbated child marriage. This is backed up by data collected through UNRWA field workers, Women’s Affairs Center Gaza, Women’s Studies Center Jerusalem, as well as the 2014 MICS. Additional longitudinal data demonstrates that child marriage increases in Palestine during times of increased political tension.⁵ Marrying girl children to protect them from sexual harassment and assault has by some families been employed as a negative coping mechanism to “protect” girls.

“Try to run back home, when you have your period, when the shabab are around, the soldiers on the other side, and your parents are expecting you to behave with proper manners in the street. I prefer to marry an old man, sit at home and be safe rather than facing such bahdaleh, such pain and agony every day.” - Schoolgirl in East Jerusalem

Consequences of child marriage

Child marriage has devastating long-term effects on children’s psychological, sexual and reproductive health as well as their social wellbeing, education and future prospects. It negatively affects children’s likelihood of future engagement in safe relationships and employment and can leave them isolated, without support or choices, and vulnerable to exploitation and abuse. Child marriage is a violation of human rights, compromising the development of girls and often resulting in early pregnancy and social isolation and an end to education as most child brides are forced to drop out of school or vocational training (child marriage is responsible for around 5 percent of girls’ dropouts in UNRWA schools in West Bank), which reinforces the gendered nature of poverty. Women who are married before the age of 18 tend to have more children than those who marry later in life. In West Bank, 21.3 percent of women aged 15-49 had a live birth before the age of 18, whereas in Gaza Strip, this number increases to 23.7 percent.⁶ Pregnancy related deaths are known to be the leading cause of mortality of both married and unmarried girls between the ages of 15 and 19, particularly among the youngest of this cohort.

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

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

⁶ Palestinian Multiple Indicator Cluster Survey (MICS), PCBS, UNICEF and UNFPA, 2014

Child marriage is both a type as well as linked to higher rates of gender based violence. 63 percent of women married before the age 18 experienced at least one type of violence in the Gaza Strip according to a 2015 study by WAC, compared to 51 per cent of ever married women in general in the Gaza Strip.⁷

Legal framework

Marriage in Palestine is governed by the Personal Status Code interpreted by the Family Courts. In the West Bank, the Jordanian Personal Status Law No 61 of the year 1976 is in force, and in the Gaza Strip it is the Egyptian Family Rights Law issued in 1954. If a male guardian requests the marriage a family law judge can approve it for a girl from 14.5 years in the West Bank and in the Gaza Strip from 14 years. In most cases the girl herself is under strong family pressure and does not have the freedom to object or consent to the marriage. In any case according to international standards children do not have the agency to provide legal consent until they are 18 and thus every child marriage is considered forced and lacking the consent of the child.

Palestine's personal status code is outdated and does not reflect women's current realities, nor the government's new legal commitments after ratifying CEDAW with no reservations. Women's human rights activists have been advocating for many years for the review of the personal status code as it relates to marriage, divorce, child custody and inheritance.

Key advocacy messages

The Protection Cluster and the Gender Based Violence Sub working group highlight the following key advocacy areas to address child marriage:

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- Update the Personal Status Code in both West Bank and Gaza Strip to be compliant with CEDAW and CRC
 - Adopt the draft Family Protection Bill
 - Advocate with religious and community leaders in both West Bank and Gaza Strip to discontinue the practice of child marriage in culturally sensitive language
 - Increase awareness initiatives by advocating against child marriage and increasing education on the negative consequences of this practice
 - Work with men and boys, women and girls as well as religious leaders in a gender sensitive manner to change social norms;
 - Strengthen, implement and resource laws and policies that prohibit child marriage. Specifically – lobby for the adoption of the Child Law Amendment 2012 in Gaza Strip
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⁷ Violence Prevalence Survey, PCBS, 2011