

OCTOBER 2019



“NO, I DON’T”

ABOLISHING CHILD MARRIAGE IN LEBANON

POLICY NOTE



Save the Children
100 YEARS



INTRODUCTION

Child marriage, defined as a formal or informal union involving a person below the age of 18,¹ is a serious form of abuse that disproportionately deprives girls of their education, financial security, health, and physical safety. Child marriage exacerbates barriers to economic growth such as gender inequality and poverty. Moreover, this harmful practice violates children's fundamental right to personal development. The international community has already outlawed child marriage and it is time Lebanon does so too.

GLOBAL Context

The United Nations Children’s Fund (UNICEF) estimates that every year 12 million girls are married worldwide.² While this number indicates a decline in child marriages since 2014, the current rate will not support the elimination of child marriage by 2030 as envisioned by Sustainable Development Goal (SDG) 5.3.³ in the Middle East and North Africa (MENA) region and globally, one in five women between the ages of 20 and 24 have married before reaching adulthood.⁴

Population growth resulting from child marriage costs millions of dollars annually. One study revealed that if developing countries had eliminated child marriage by 2015, they could have saved an average of 5.4% of their education budgets by 2030.⁵ Likewise, the global annual savings associated with reducing under-five mortality and stunting attributed to child marriage total nearly \$100 billion by 2030.⁶ The pressure child marriage puts on a country’s national economy may impede its ability to respond to humanitarian crises and meet long-term development objectives.

INTERNATIONAL LEGAL Framework

International law denounces child marriage as a grave violation of children’s rights. The Universal Declaration of Human Rights (UDHR), a non-binding instrument that nonetheless carries constitutional force in Lebanon,⁷ states, “Motherhood and childhood are entitled to special care and assistance.”⁸ The UDHR declares that only adults of “full age” possess the right to marry, and stipulates, “Marriage shall be entered into only with the free and full consent of the intending spouses.”⁹

The Convention on the Rights of the Child (CRC) defines a child as “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.”¹⁰ The CRC requires that in “all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”¹¹ Indeed, the CRC also compels parties like Lebanon to “ensure to the maximum extent possible the survival and development of the child.”¹² Given the widespread recognition of early marriage as a threat to a child’s development, international law clearly prohibits child marriage.

The text of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) reaffirms this conclusion. It states in no uncertain terms, “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 . . .”¹³ Lebanon’s failure to establish a national minimum marriage age puts the country at odds with its obligations under CEDAW and the CRC.

LEBANESE Context

At first glance, child marriage appears less pervasive in Lebanon in comparison with other Middle Eastern states. Six percent of 20-24-year-old Lebanese women were married by the age of 18 as of 2009,¹⁴ as opposed to 18% across MENA.¹⁵ Nevertheless, this figure obscures the fact that child marriage rates within Lebanon are among the most stratified in the region. Among women between 20-24 years of age, 40.5% of Syrians, 25% of Palestinian Refugees from Syria (PRS), and 12% of Palestinian Refugees from Lebanon (PRL) married as children.¹⁶ The marriage rate among Syrian refugee girls has risen by 7% between 2017 and 2018, suggesting that the risk of child marriage is growing.¹⁷ Lebanon hosts as many as 1.5 million Syrian refugees,¹⁸ most of whom face serious protection risks. For instance, half of Syrian families in Lebanon are unable to meet their minimum survival needs and 73% of Syrians aged 15 and older lack legal residency.¹⁹

Despite these alarming numbers, Lebanon has not codified a nationwide minimum marriage age. Instead, marriage

is regulated by the 15 personal status laws that govern Lebanon’s 18 officially recognized religious sects. In some cases, these laws permit girls as young as nine to marry fully grown men. Several women’s rights organizations have called attention to this issue in recent years, with a focus on social-behavioral change within Lebanese society.

In 2015, KAFA (Enough) Violence & Exploitation launched a viral video featuring reactions to a fictional child bride taking wedding photos with an older husband. The Lebanese National Commission for Women’s Affairs capitalized on the momentum generated by this social experiment to launch a campaign calling for civil judicial approval of all child marriages. The Lebanese Women Democratic Gathering (RDFL) launched in 2017 its #NotBefore18 campaign to generate support for a new draft law to ban child marriage in its totality. RDFL now leads a coalition of NGOs, of which Save the Children is a member, dedicated to eliminating child marriage in Lebanon. These efforts have received considerable national attention and reflect Lebanese society’s growing rejection of child marriage.

LEBANESE LEGAL Framework

*The Lebanese Constitution states, “The state in rendering homage to the God Almighty shall respect all religions and creeds and guarantee under its protection the free exercise of all religious rights[,] provided that the public order is not disturbed. It shall also guarantee that the personal status and religious interests of the population, to whatever religious sect they belong, shall be respected.”*²⁰

On the basis of this provision, Lebanon’s 18 religious confessions codified 15 distinct personal status laws to govern family affairs. This has led to significant disparities in the administration of civil matters among the various sects, especially with regard to marriage.²¹ In fact, Lebanon is one of only a dozen countries that have not established a national minimum age for marriage—and only a handful of those countries completely delegate this responsibility to religious or cultural authorities.²²

The Constitution stipulates, “All Lebanese are equal before the law. They equally enjoy civil and political rights, and assume obligations and public duties without any distinction among them.”²³ Notwithstanding this constitutional guarantee and the harmful consequences of early marriage, each confession allows the marriage of children under varying circumstances (see Table 1).

Table 1²⁴

CONFESSION	MINIMUM AGE FOR FEMALES	MINIMUM AGE FOR FEMALES (EXCEPTIONS)	MINIMUM AGE FOR MALES	MINIMUM AGE FOR MALES (EXCEPTIONS)
ARMENIAN ORTHODOX	15	14	18	16
ASSYRIAN EASTERN ORTHODOX	15	<15	18	<18
CATHOLIC ²⁵	14	No exception	16	No exception
COPTIC ORTHODOX	18	16	18	No exception
DRUZE	17	15	18	16
EVANGELICAL	16	Puberty	18	Puberty
GREEK ORTHODOX	18	15	18	17
JEWISH	12.5	<12.5	13	No exception
SHIA ²⁶	9	No exception	15	No exception
SUNNI	17	9	18	12 ²⁷
SYRIAC ORTHODOX	14 ²⁸	No exception	18	14

Each personal status law provides a legal pathway to child marriage. While several status laws prohibit child marriage for boys, none does so for girls. Even where these laws stipulate a marriage age of 18, they generally allow exceptions if, for instance, a caregiver consents to the marriage, a religious authority approves the marriage, or the girl reaches puberty. The disparities in the minimum ages set for males and females further illustrate how child marriage is a gendered phenomenon that disproportionately harms girls.²⁹ Because the personal status laws are not administered by the Lebanese state, these exemptions operate without civil judicial oversight.

As of this note's publication, a proposal to establish a national minimum marriage age has been under consideration within the Lebanese Parliament. The Draft Law relating to the Protection of Children from Early Marriage,³⁰ introduced in 2017, provides vital safeguards against child marriage. The Draft Law defines a child as "every boy and girl under the age of 18 years old" and sets the minimum marriage age in Lebanon at 18 for both men and women, notwithstanding any other provision of law. If passed, this measure would bring Lebanon into compliance with the periodic recommendations of the Committee on the Rights of the Child, which consistently calls on Lebanon to establish a national minimum marriage age of 18 years.³¹

Article Three of the Draft Law further states, "Any person who convenes, authorizes, instigates, intermediates, facilitates, or participates in the contracting of the marriage of a child . . . shall be punished by a fine of ten times the minimum wage and by imprisonment from six months to three years." The punishment is doubled for repeat offenders. Article Four repeals all other provisions of law that are incompatible with the proposal's text.

While this draft is a welcome and necessary step toward the elimination of child marriage in Lebanon, its ambiguous terminology may put the best interests of the child in jeopardy. The law does not clarify the legal status of child marriages contracted before the law's implementation. This issue profoundly affects the rights of people married as children, especially with regards to divorce, inheritance, and custody. Additionally, the criminal penalties sanctioned by the Draft Law might unnecessarily threaten family unity and deprive children of emotional, social, and financial support. The Draft Law could be improved by amending the text to allow the referral of caregivers to social support in lieu of prosecution.

LEBANESE SUPPORT A CHILD MARRIAGE BAN

A nationally representative survey of Lebanese attitudes toward child marriage—led by RDFL and supported by Save the Children Lebanon and UN Women—reveals that 97% believe that the most suitable marriageable age for females is 18 or older, while 99% believe so for males.³² Just 4% agree with the idea of child marriage.³³ Individuals between the ages of 18 and 35 are most likely to reject child marriage, and only 9% of respondents over 56 support marriage involving children between 15 and 17 years old.³⁴ A majority (64%) of respondents support a national law setting a minimum age for marriage,³⁵ and 97% of those who support such a law believe 18 is the most appropriate threshold.³⁶ Of the 36% who disapprove of setting a national standard, only 25% cited religion, custom, or tradition as the basis for their opposition.³⁷ These social developments contributed to the Lebanese Parliament's willingness to consider a ban on child marriage. Passing the Draft Law on child marriage could lead even more Lebanese to reject this practice.

DRIVERS AND *Impacts*

The lack of legal protection against child marriage is a significant obstacle to the eradication of child marriage, but it is not its ultimate cause. A variety of mutually reinforcing factors drive children and their families to accept early marriage as a strategy for coping with underlying vulnerabilities.³⁸

The fact that girls are far more likely than boys to marry before reaching adulthood points to gender inequality as a principal driver of child marriage. Discrimination against women and girls aggravates numerous drivers and impacts of early marriage that implicate education,³⁹ poverty,⁴⁰ protection,⁴¹ and conflict.⁴²

Education

Inadequate access to education is both a cause and a consequence of child marriage.⁴³ Discriminatory gender roles often lead caregivers to deprioritize female education. Out-of-school girls are then more likely to marry early because their interrupted education limits the number of income-generating opportunities available to them.⁴⁴ This perpetuates the perception of girls as financial burdens.

When girls remain in school, they are more likely to delay marriage until they are developmentally mature.⁴⁵ On the other hand, “girls with no education are three times more likely to marry or enter into a union before their eighteenth birthday than those who graduate from secondary school or higher;” and those who only complete their primary education are twice as likely to marry early.⁴⁶ On average, marrying at 15 years old corresponds with a 12% decrease in the likelihood of secondary school completion.⁴⁷ Reduced access to education traps child brides and their progeny in an intergenerational cycle of poverty that entrenches inequality and undermines national development.⁴⁸

“A CHILD WILL RAISE A BABY.”

On a sun-kissed hillside in northern Lebanon, a two-story building towers over the edge of a steep road. Four Syrian refugee families live inside several makeshift rooms on the ground floor. We spoke with the youngest of these families, the sum of whose members' age is 34. Sahar's husband is 20. She is only 14. Sitting on a thin mattress, Sahar leans on a wall and speaks from beneath a veil that conceals everything but her eyes, which glint at the mention of school and a “beautiful past.” A tear appears, but she holds it back.

For Syrian refugee girls like Sahar, options are limited. Fearful of the kidnappings, rapes, and murders of young girls in their hometown, her family of six decided that seeking sanctuary in Lebanon was their only choice.

The decision for Sahar to marry early came after her family fled to Lebanon, where even the borders of a new country did not bring them the safety they required. Syrian girls speak of fear of abuse, financial burdens, and their family's desire to see them “settled” as the main reasons behind the upsurge in early marriage.

Married at 13 and pregnant at 14, Sahar had no power and little decision over a hastily-arranged union with her neighbor. She says she did not want to leave her family, that she was too young. She calls it a “mistake” that she regrets. Even though she describes herself as attached to her husband, she says she misses her childhood. Sahar believes that children should go to school. They should wear their school uniform, not a wedding dress.

Sahar speaks of physical harm and emotional distress resulting from her precipitous union.

“I didn't realize that marriage means lots of responsibilities,” she says. “Responsibilities that are very challenging and that I hadn't thought of.”

Sahar is excited about becoming a mother, but she is equally apprehensive. “A child will raise a baby,” she declares. And this time she cries.

Poverty

Economic vulnerability is directly linked to child marriage, as income and age at first marriage tend to correlate positively.⁴⁹ Some families believe that early marriage can provide financial relief through decreased household expenditures and the receipt of bride wealth paid by the groom.⁵⁰ At the same time, poverty is itself one of the many consequences of child marriage. Women who marry as children tend to have larger families, reducing per capita resources within the household.⁵¹ Married girls are also less likely to receive an education and enter the labor market, depressing their incomes.⁵² Poverty thus perpetuates the conditions that drive families to marry off their children in the first place.

Reproductive Health and Sexual Violence

Families may believe that marriage protects their daughters from harassment and violence.⁵³ In reality, married girls are more likely to face domestic abuse.⁵⁴ Such violence exposes girls to other severe threats to their health and wellbeing, including depression as a result of social isolation, sexually transmitted illnesses, cervical cancer, physical injury, obstetric fistula, and maternal mortality.⁵⁵ Violence and subsequent health complications perpetuate the cycle of poverty by limiting girls' access to education, income, and capital.⁵⁶ Gender-based violence and poor health reinforce other independent drivers of child marriage.

In Lebanon, weak legal protection for victims of domestic abuse and sexual violence may put married girls at greater risk of harm. Article 503 of the Lebanese Penal Code adopts a restrictive definition of rape, stipulating, "Whoever coerces his non-spouse through violence and threat for sexual intercourse shall be punished . . ." ⁵⁷ (emphasis added). This statute apparently requires proof of four elements: (1) coercion, (2) violence, (3) threat, and (4) sexual intercourse, severely limiting what acts constitute "rape" under the law. Moreover, this article explicitly excludes marital rape from its definition. Article 503 and the personal status laws together may prevent the prosecution of a child's husband for rape. This law impedes married girls' access to justice even though this group is more vulnerable to sexual violence.⁵⁸ Article 503 shields a child's abusive spouse from punishment to a greater degree than it protects the child from violence.

Conflict

The relationship between conflict and child marriage is complex, especially in the MENA region. Because recent data on child marriage rates is lacking for many countries, it is difficult to determine the exact relationship between conflict intensity and the rate of child marriage. However, conflict often exacerbates poverty and hinders access to education,⁵⁹ two main drivers of child marriage.

Refugees have cited fear of sexual violence in both Syria and Lebanon as a reason for expediting marriage.⁶⁰ The Syrian refugee experience suggests that the breakdown of social networks on account of displacement leads families to secure early marriages for the daughters as a means for protecting their reputation and safety.⁶¹ The phenomenon of child marriage among Syrian refugees in Lebanon may not be completely attributable to pre-crisis cultural norms, however. In 2006, UNICEF estimated that 13% of Syrian women aged 20-24 married before 18,⁶² compared to 40.5% of 20-24-year-old Syrian refugee women in Lebanon.⁶³

REFUGEES IN LEBANON

Believe Child Marriage is Widespread

Perceptions of child marriage among the refugee population in Lebanon suggest that legal reform will not be enough to eradicate child marriage. Thirty-three percent (33%) of Syrian refugees registered with UNHCR believe that girls in their community marry by age 18, 21.5% say girls do so by 16, and 13.5% by 14. One quarter (25%) of these refugees believe that there are no negative consequences associated with early marriage.⁶⁴ Syrian refugees who live in informal settlements are more likely to perceive that that girls in their communities marry by age 16 (33%) and even 14 (23%). Thirty-one percent (31%) of refugees living in informal settlements believe that there are no negative consequences associated with child marriage.⁶⁵

Additionally, 33% of Palestinians believe that girls in their community marry by age 18, 23% by 16, and 7.5% by 14. Sixteen percent (16%) stated that child marriage is not associated with any negative consequences.⁶⁶

RECOMMENDATIONS

Parliament of Lebanon

1. Approve the Draft Law relating to the Protection of Children from Early Marriage, establishing the national minimum age for marriage at 18 years with no exceptions. The Parliament should also pass all legislation necessary to fully implement this law, such as an intervention unit that can refer children and families to appropriate resources and educate them about the negative consequences of early marriage.
2. Clarify the legal status of underage marriages that have already been contracted before the Draft Law's approval. The Draft Law should formalize already-married girls' rights in areas such as divorce, inheritance, and child custody.
3. Allow judges to take the best interests of the child into account with regards to the imposition of criminal penalties pursuant to the Draft Law, as the child's own family may be implicated in the marriage arrangement. The Draft Law should not compel a judge to imprison a child's family if a referral to social services is deemed more appropriate.

Government Ministries

1. Designate a child marriage focal point within the Higher Council for Childhood to serve as an inter-agency liaison for streamlining a national, multisector response.
2. Increase all children's access to education by reducing registration barriers and school violence.
3. Establish a joint task force between the Ministry of Social Affairs and the Ministry of Justice to develop a gender-sensitive profile of at-risk children. This profile should be used to deliver protection services to girls at risk of child marriage and already-married girls. Services may include psychosocial support, individual case management, alternative care arrangements, education programming, legal services, healthcare services, and protection from domestic violence.
4. Incorporate a child-friendly approach to budget analysis, with special consideration for programs addressing gender inequality and child marriage.

Non-Governmental Organizations

1. Promote multisector interventions and integrated programs that target education, poverty, food security, community sensitization, and child protection. Develop indicators that will help determine which interventions are most appropriate for the child, with the objective of reducing early marriage rates.
2. Implement programming aimed at preventing child marriage that addresses its root causes (e.g. poverty and gender inequality) and promotes behavioral change.
3. Ensure that child marriage programming targets key community actors, such as religious leaders and respected community members.

4. Adopt gender-sensitive or gender-transformative approaches to all programming.
5. Design programs that reflect the voices of girls, including those at risk of child marriage and those who are already married.
6. Provide technical support to appropriate government efforts to prevent and respond to child marriage, including referrals for case management, educational opportunities, healthcare, basic assistance, and other essential services.
7. Strengthen the technical and programmatic capacity of civil society organizations that engage in child marriage prevention and response.
8. Empower communities to design a child marriage prevention strategy, whether through social-behavioral change programs or other interventions targeted at reducing risk factors.
9. Adopt a conflict-sensitive approach, ensuring all program design includes contextual analysis to understand the specific drivers and cultural norms within communities. This analysis should include ways to mitigate harm.

Donors

Even though the Lebanon Crisis Response Plan 2017-2020 (LCRP) identifies the elimination of child marriage as a priority for the protection sector,⁶⁷ only 18.6% of the sector appeal is dedicated to this cause.⁶⁸ Moreover, the LCRP only met 41% of its overall \$2.68 billion appeal for 2018.⁶⁹ Given this funding situation, the protection sector only aims to reduce child marriage rates⁷⁰ by 1.2% among Lebanese (from 6%), by 8.2% among Syrians (from 41%), by 5% among Palestinian Refugees from Syria (from 25%), and by 2.4% among Palestinian Refugees from Lebanon (from 12%).⁷¹ To improve these targets, the donor community should:

1. Invest in efforts to address gender inequality in Lebanon, especially through child marriage-specific programs.
2. Fund initiatives that sensitize men and boys to the adverse consequences of child marriage as part of broader social-behavioral change programming.
3. Support the education sector by financing programs to enroll out-of-school girls in learning opportunities.
4. Continue to improve social protection for children in Lebanon through integrated rights-and needs-based approaches.
5. Advocate with the Government of Lebanon for the approval of the Draft Law relating to the Protection of Children from Early Marriage.

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