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United Nations High Commission on Refugees (UNHCR)

Research Report

Topic 3: Refugees engaged in child marriage entering countries where the practice is illegal



Amanda Andrawes & Rasmus Grabov

Introduction

As the United Nations was founded on the principle of Human Rights, the engagement in child marriage entering countries where the practice is strictly illegal represents a violation of the UN's Universal Declaration of Human Rights (UDHR), signed in 1948 (United Nations, 1948)¹. The concept of child marriage bears both mental and physical damages. Girls who are married as children are more likely to be out of school, suffer domestic violence, contract HIV/AIDS and die due to complications during pregnancy and childbirth. Child marriage also have an impact on economies and leads to intergenerational cycles of poverty². Unfortunately, child marriage is legal in over 100 countries, including Somalia and Sudan, that have no specific age requirement for legal marriage. If current trends continue, the number of girls who marry as children will reach nearly one billion by 2030. That's according to the UN, which launched an initiative earlier this year to protect girls from child marriage³.

Definition of Key Terms

Refugee: “A person who has been forced to leave their country in order to escape war, persecution, or natural disaster”.

Child marriage: “Child marriage is a formal marriage or informal union entered into by an individual before reaching a certain age, specified by some global organizations as high as the age of 18.”

African Union: “African Union is an organization of African states established in 2002 as successor to the OAU; it aims to encourage economic development and political stability through increased cooperation between its members of the AU”.

¹ United Nations Website. Unknown Author. Unknown date. Visited 03/01/18. Available at: <http://www.un.org/en/universal-declaration-human-rights/>

² United Nations Website. Unknown Author. Article (07/03/16). Visited 03/01/18. Available at: <http://www.un.org/en/universal-declaration-human-rights/>

³ Online source. Alex Gray. Article (26/09/16). Visited 03/01/18. Available at: <https://www.weforum.org/agenda/2016/09/these-are-the-countries-where-child-marriage-is-legal/>

The World Health Organisation: “World Health Organization (WHO) A specialized agency of the United Nations, established in 1948 and headquartered in Geneva, whose mission is to prevent the international spread of diseases, such as cholera, malaria, and poliomyelitis.

Background

Several issues concerning illegal immigration and child marriage from around the world have brought the attention to United Nations involving humanitarian issues. The consequences are extremely serious for women and the practice is spreading further into low-and-middle-income countries. In 2012, the United Nations reported that one third of all girls from developing nations are married before their 18th birthday, and one in nine get married before they turn the age of 15 years young⁴. Early marriage correlated with abuse, rape and pregnancies before girls reach sexual maturity, and The World Health Organisation claims that one million girls under 15 are giving birth each year. The problem is that many teen girls, especially under 15, haven't fully developed physically yet, and their pelvises are too small for childbearing⁵. This indicates that child marriage involves deeper and life-threatening consequences, than acknowledged, as well as future prospects. It damages the girls' health and ability to live their right to childhood. Compared to women whom are over 20 years old, girls under 15 are five times as likely to die during pregnancy or childbirth and is the second leading cause of death among 15-19-year-old⁶. Those that do not die remain in a risky and severe permanent health state of complications, like urinary or fecal incontinence and immobility. In addition to suffering health risks, young brides are usually forced to dropout of school. Over 60% of child brides in developing countries have no formal education. Many of these girls come from poor families in patriarchal societies, where women are seen as a burden. A family can collect a dowry from the husband, and lose a mouth to

⁴ Online source. Child Marriage. UNFPA. Unknown date. Visited 04/01/18
<http://www.unfpa.org/child-marriage>

⁵ Online source. App to end child marriage. Bryony Michael. Article (20/12/17). Visited 03/01/18). Available at: <https://www.opfistula.org/app-to-end-child-marriage/>

⁶ Women's Refugee Commission. Lindsay Stark. Report (07/03/16). Visited 04/01/18). Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/Changing-Norms-of-Child-Marriage-in-Conflict.pdf>

feed simultaneously, if they marry off a young daughter, and the younger, the better, since it is more likely they will be virgins.

Where are child marriages happening?

- Asia
- Africa
- Latin America

40% of all cases happen in **India** because of its huge population. In **Malawi**, a national law was passed in February 2015, banning marriage to girls under 18. For a country where half of all females are child-brides, this is a step in the right direction. However, local authorities tend to ignore laws like these⁷. In fact, many developing countries already have laws where the age of consent for marriage is 18 or higher, but this is unfortunately not followed by the majority of populations. Women who marry at 18 or younger face a 23% risk of heart attack, diabetes, cancer and stroke, than women who marry between the ages of 19 and 25, partly due to early marriages that can lead to added stress, forfeited education and psychological issues⁸. Overall, the international rate of child marriage is declining little by little. As lower class communities gain industry and better education, girls are more likely to stay in school, receiving quality education, as well as a quality lifestyle and marry later on with choice. Female empowerment is a crucial step in improving developing countries and the 2015 African Union summit theme represents this sentiment.

Laws that set a minimum age of marriage are an important way to safeguard boys and girls from

⁷ Online source. Belinda Maswikwa, Linda Richter, Jay Kaufman, Arijit Nandi. Article (02/06/15). Visited 09/01/18. Available at: <https://www.gutmacher.org/journals/ipsrh/2015/07/minimum-marriage-age-laws-and-prevalence-child-marriage-and-adolescent-birth>

⁸ Online source. Girls Not Brides. UNICEF. Unknown date. Visited 05/01/18 Available at <https://www.girlsnotbrides.org/where-does-it-happen/>

being married before they are ready. It is important that children are recognised in the law as being children and that they are accorded the full protection of the law. Governments need to have clear and consistent legislation that establishes 18 as the minimum age of marriage. Adequate safeguards must be in place to ensure that parental consent or other exceptions are not used to force girls into marriage. The existence of laws that set a minimum age for marriage is an important tool that helps those working to dissuade families and communities from marrying off their daughters as children.

20 COUNTRIES WITH THE HIGHEST RATES OF CHILD MARRIAGE*

01	Niger	76%
02	Central African Republic	68%
03	Chad	67%
04	Bangladesh	59%
05	Burkina Faso	52%
05	Guinea	52%
05	Mali	52%
05	South Sudan	52%
09	Mozambique	48%
10	India	47%
11	Somalia	45%
12	Nigeria	43%
13	Malawi	42%
14	Eritrea	41%

Figure 1.2 - Top 20 countries with the highest rates of child marriage.

*Child marriage prevalence is the percentage of women 20-24 years old who were first married or in union before they were 18 years old (UNICEF State of the World's Children, 2017). It is based on Multiple Indicator Cluster Surveys (MICS), Demographic and Health Surveys (DHS) and other national surveys, and refers to the most recent year available during the period 2010-2016⁹. These top 20 countries are considered as fragile states to tackle a major challenge like child marriage and are especially vulnerable to natural disasters. For further information on these

⁹ Online source. Girls Not Brides. UNICEF. Unknown date. Visited 05/01/18 Available at <https://www.girlsnotbrides.org/where-does-it-happen/>

individual countries and more, click here:

<https://www.girlsnotbrides.org/where-does-it-happen/>

Only six countries do not specify the minimum age for marriage: Equatorial Guinea, Gambia, Saudi Arabia, Somalia, South Sudan and Yemen. However, speaking on the issue of refugees engaging in child marriage entering countries where the practice is illegal have increased in countries where child marriage is banned.

A story that has been published in 2013 reveals a woman selling young girls for child marriage to men over the age of 21 had the world shocked. This woman's name is Om Majed, a Syrian woman who calls herself a marriage broker. In reality, she sells young vulnerable girls to men who for what type of bride they want, and she makes sure that she finds a girl that fits these requirements at bargain prices. For many families living in Amman, Jordan refugee camps, selling their daughters into marriage is their only way to survive, even though it is illegal to marry off girls under the age of 18. Across the Middle-East, it is custom for the groom to pay the bride's family, although their desperation is being exploited. Often, the marriages are a sham, in order to have sex and some last only weeks. Om Majed gets a percentage for every match she makes. Young virgins can match up to as little as 5,000 US dollars, however there is no hesitation from the brides' families to accept such an offer. The woman expressed that she has no shame doing this business and it is the war going on in Jordan and the corrupt, political issues that push families to send their daughters off to individuals like her, in order to live, as well as it is the only for her to make a living¹⁰. This issue is also encourages since Syrian cannot work in Jordan. It is a high price to pay in a society that places such high value on a woman's honour.

For example, several events occurred in **Germany** when discovering child brides in the state, and when trying to abolish and reject these refugees who attempted this illegal action, refugee workers were insisting child marriage to remain and become legal. This led no choice other than

¹⁰ Online source. Syrian refugees sell daughters in bid to survive. Clarissa Ward. Article (15/05/13). Available at: <https://www.cbsnews.com/news/syrian-refugees-sell-daughters-in-bid-to-survive/>

the German Federal Minister of Justice and Consumer Protection, Heiko Maas, express his concerns due to the increase in the number of refugees that are involving themselves into such an illegal engagement. He says in the conference ‘‘Children do not belong at the altar, they belong in school’’¹¹. This issue has broadened into other European countries, who have expressed a strong disagreement with child marriage, and has caused deep European- and governmental concerns. ‘‘The issue has put European governments in a spin: forcing a policy U-turn in Denmark, new legislation in the Netherlands and an agonised debate in Germany’’¹². The discussion of whether a 14-year-old married girl who migrated to Europe should be viewed as a child- or a spouse has positioned these three countries in a dilemma.

Denmark: ‘‘Couples would require "exceptional reasons" to live together below the age of 18 (the legal age for marriage in Denmark) and no cohabitation would be allowed whatsoever if one party was below 15. But separation reportedly prompted two migrants under 18 to attempt suicide. The policy was reversed - with children as young as 14 reunited with their husbands - after the issue was raised with the Danish Immigration Service (DIS) by lawmaker Josephine Fock.’’

Netherlands: ‘‘In the Netherlands, policy has shifted in the other direction - with the government moving swiftly last year to close a legal loophole which allowed child brides to live with older husbands in asylum centres. And politicians have grappled with the same dilemma elsewhere in Europe - though on the whole each country is dealing with just a handful of cases.’’

Germany: The issue takes on much broader significance in Germany, which has greeted some 1.2 million migrants since last year under Chancellor Angela Merkel's "open-door" policy. Here the authorities' response has been inconsistent and, some claim, confused. Data suggest that in Germany there are at least 1,000 marriages where one or both parties are under the legal marriage age of 18, of which more than half are in the southern state of Bavaria.’’

¹¹Online source. Unknown Author. Migrant child brides put Europe in a spin. Article (30/09/17). Visited 09/01/18. Available at: <http://www.bbc.com/news/world-europe-37518289>

¹² Online source. Unknown Author. Migrant child brides put Europe in a spin. Article (30/09/17). Visited 09/01/18. Available at: <http://www.bbc.com/news/world-europe-37518289>

The reported case that has led to confusion and communication between these countries is allegedly due to a 15-year-old Syrian girl married to her 21-year-old cousin. She was first separated from him in Bavaria, for reasons of child protection. Multiple cases like these will cause outrage from countries who oppose such behaviour and actions to be taken in a state that presents this issue as illegal and should be banned all over the world. Unfortunately, this has become a desperate choice for families who are forced to throw their children in such detrimental agreements, in order to survive the living conditions they are currently in and experiencing.

In recent years child marriage has gained increasing prominence on international and national development agendas. Today, we have a unique opportunity to act on this momentum and accelerate our efforts to help change the lives of girls and young women all over the world. Ending child marriage requires work across all sectors and at all levels. It requires us to understand the complex drivers behind the practice in different contexts and adapt our interventions accordingly. Abolishing child marriage also requires increased, targeted investments from both international donors and governments in high prevalence countries. The funding that is currently available is nowhere near large enough to match the scale of child marriage worldwide.

Bibliography

United Nations Website. Unknown Author. Unknown date. Visited 03/01/18. Available at: <http://www.un.org/en/universal-declaration-human-rights/>

Online source. Alex Gray. Article (26/09/16). Visited 03/01/18. Available at: <https://www.weforum.org/agenda/2016/09/these-are-the-countries-where-child-marriage-is-legal/>

Online source. Child Marriage. UNFPA. Unknown date. Visited 04/01/18 <http://www.unfpa.org/child-marriage>

Online source. App to end child marriage. Bryony Michael. Article (20/12/17). Visited 03/01/18). Available at: <https://www.opfistula.org/app-to-end-child-marriage/>

Women's Refugee Commission. Lindsay Stark. Report (07/03/16). Visited 04/01/18). Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/Changing-Norms-of-Child-Marriage-in-Conflict.pdf>

Online source. Belinda Maswikwa, Linda Richter, Jay Kaufman, Arijit Nandi. Article (02/06/15). Visited 09/01/18. Available at: <https://www.gutmacher.org/journals/ipsrh/2015/07/minimum-marriage-age-laws-and-prevalence-child-marriage-and-adolescent-birth>

Online source. Syrian refugees sell daughters in bid to survive. Clarissa Ward. Article (15/05/13). Available at: <https://www.cbsnews.com/news/syrian-refugees-sell-daughters-in-bid-to-survive/>

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