



Underage marriage is a constant violation of women's rights

Case study: Mauritania - Nigeria - Iraq



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Introduction:

Pests have multiplied in our Arab societies and negative habits abounded, and society began to follow traditions they consider to be the right thing, so that many people follow this premise.

The phenomenon of underage marriage is considered one of the increasing social phenomena throughout the Arab world, and the reason for this is due to the prevailing economic conditions and conditions, in addition to the widespread ignorance in societies about the consequences and dangers of this marriage. In fact, it leads to the spread of this phenomenon, through their belief that the marriage of underage girls is an immunization for them. Jim's responsibilities.

The family is the basic structure of any society, and for this, the foundations of its formation must be taken care of by societies, in addition to seeking and emphasizing the foundations of its interdependence, with the aim of cohesion and ensuring its continuity from the first moment of the marriage contract between spouses, and for this reason, controls must be established for the establishment of any family, starting from the moment The first is to choose the couples who are going to build a family or take care of it.

From here it can be realized how important and dangerous the marriage of a minor is, as this term is considered somewhat recent; Because it was originally called a child marriage, in addition to all the negatives and positives surrounding this marriage, if any in contemporary reality, "child marriage" is a marriage in which at least one of the parties has a child, and according to



the Convention on the Rights of the Child, a child is “every human being who has not over eighteen.”

Many countries have enacted laws within the personal status laws to add this type of marriage, so that this law sets a specific age for males and females that qualifies them for marriage, and not allowing Sharia judges to hear any marriage invitation in which the age of one of the spouses is less than the age set by the law at eighteen years, Accordingly, convincing reasons must be presented to the judge for the conclusion of this marriage.

In 2016, UNICEF, in collaboration with the United Nations Population Fund, launched the Global Program to End Child Marriage. The program to empower and support adolescent girls at risk of marriage, or girls who are already married, reached more than 7.9 million adolescent girls during its first phase (2016-2019) and provided them with life skills training and support to go to school. Over 40 million people, including key community influencers, participated in dialogues and communication campaigns in support of teenage girls or other efforts to end child marriage in the same period.

This research will review the reasons for underage marriage and its most important consequences and effects that affect the physical, psychological, social, practical, cognitive, emotional and health levels of the underage girl who cannot express her consent in what she does not know, with a mention of some African countries that suffer from the spread of the phenomenon of marriage The two minors (Mauritania - Nigeria - Iraq). And clarification of some of the solutions and proposals that were clarified by the universal periodic review in this regard for each of the three aforementioned countries.

First: the reasons behind the marriage of minors.



Most families resort to marrying off their daughters at a young age to get rid of their responsibilities, believing that the girl was created to be a wife, but all these beliefs have been proven incorrect, especially after the high rate of divorce due to early marriage. Among the reasons for underage marriage:

customs and traditions:

There are many societies that include underage marriage in their traditions, such as the Indian society, where one of its most prominent customs is the marriage of those at a young age, and despite the defects that resulted from this marriage, this practice still continues in those societies.

poverty:

Poverty is one of the most important reasons leading to the marriage of underage girls, as there are many poor areas where fathers resort to marrying off their daughters, due to the inability to support them, and to alleviate the financial burden of a family member, or in order to repay a debt, and to escape from the circle of family alimony, or in the hope of obtaining a financial return from marrying her so that the father would improve his economic situation, and here the girl appears as a commercial transaction without looking at her humanity represented in her right to life, and choosing her life partner, and this matter is completely equivalent to human trafficking; As in Ethiopia, where a girl's virginity may secure a dowry for the family.

Absence of deterrent laws:

There are many laws that reject the idea of early marriage, but some societies do not include laws prohibiting early marriage within their laws, for example, "In 2009 the Afghan Parliament approved the law that allowed



some religious communities and local communities to impose their own model of family law Including permitting child marriage.

Family reasons related to the development of the alliance between the two families:

There are many families that resort to marrying off their young daughter to the son of another family, for either economic or social reasons, and the best example of this is African countries, not caring about the suitability of both partners to each other.

ignorance:

The ignorance that spreads among parents pushes them to marry off their daughters at an early age without realizing that she is still young, and she will not be able to bear marriage with all its dependencies from the responsibility of caring for a home, a husband, pregnancy, childbearing, raising, and forming a family, without the slightest interest in the future of that little girl, and all What awaits her as a result of this connection.

Social Legacy:

The social structure of tribes, particularly in rural areas, helps this type of marriage, as they see it as acceptable in the customs of those tribes, and its completion is subject to the desire of parents without paying attention to girls and their desires, their being, their dignity, and their right to choose.

Social concerns:

Some families' social fears constitute an obsession that pushes them to commit this crime, which of course does not equal those fears, as parents



fear that their daughter will not marry and enter into the so-called spinsterhood, or fear that their girl will be exposed to a problem related to honor, such as having a relationship with a young man or being deceived by her. Or she is assaulted, which is the fear that motivates the guardian to quickly marry off his minor daughter, as if he removes these fears from his head by marrying her.

Second: The negative effects and consequences of underage marriage:

There are many negative psychological, health and social effects of underage marriage, as it has many bad consequences, and it can be said that it does not carry any positive result in his right. Underage marriage is nothing but a robbery of a woman's freedom, her right to education, and her right to choose her life partner, because often Underage marriage is not against the girl, and it is also a physical and psychological stress on the girl's health. Consequently, deaths of underage girl's rise, which has led many countries around the world to set a legal age for marriage, which is the age of eighteen.

Prominent among them are the following:

1) Impact on a girl's health:

As girls under the age of eighteen, their hormonal activity is under the stage of growth, and thus their hormones become disturbed after their early marriage, which sometimes results in the occurrence of natural childbirth, or abortion may occur or a cluster pregnancy may occur, which may infect the body with cancer in the worst circumstances. They are at risk of death during childbirth.

These health problems are the result of families being stressed about giving birth to a girl immediately after marriage, which leads to health problems



such as; Cysts on the ovaries, or the girl resorting to other treatments, such as ovulation stimulators, or IVF at an early age.

Health problems occur as a result of the uterus not adapting to pregnancy: this leads to premature birth or an increase in caesarean sections, hence the high death rate and the emergence of deformities in the spine or pelvis due to early pregnancy.

2) High infant mortality:

Early marriage has a negative impact on societies, as early pregnancy not only has devastating effects on mothers, but also on newborns, stillbirths and neonatal deaths increase by 50% among mothers younger than 20 years, and in low and middle countries Income. Babies born to mothers under the age of 20 also face higher risks of low birth weight, preterm birth, and difficult deliveries that can cause disabilities in the children.

Unhealthy complications for the fetus can occur after childbirth, including exposure to suffocation as a result of a lack of blood circulation that nourishes the fetus, low weight and other complications that accompany it, or the incomplete development of the lungs.

3) Exposure to violence:

Girls who marry early are often associated with men who are older than them, which leads to an imbalance of power in the relationship between spouses, in addition to the fact that the rate of domestic violence by the partner is more prevalent among girls who are married early than the more mature girls who marry with informed consent.

4) Instability of marriage:

Several studies have shown that the rate of divorce and separation increases in cases of early marriage. For example, a quantitative survey of one region of Ethiopia resulted in about 27 percent of marriages in urban areas and 19 percent of them in rural areas ended in divorce or separation. 56 percent of those who have married more than once say they ended their first marriage



either because they were too young, or because they were not interested in marriage.

5) Denial of individual rights:

Early marriage violates many private individual rights, which are as follows:

- The right to education and the right to be protected from physical and mental violence, or injury and abuse, including: rape, assault, or sexual exploitation.
- The right to freely participate in cultural life, in addition to the right to enjoy comfort and peace of mind.
- Psychological effects as a result of deprivation of the affection and tenderness of the parents. The child has the right to be associated with the parents and not to be separated from them.
- Denial of the right to choose a spouse.
- The right to be protected from any form that affects any aspect of the child's welfare.
- The right to work, girls married in childhood are more likely to be exposed to domestic violence, and they have a lower position in society, because underage brides are often deprived of their right to pursue education, work or entrepreneurial opportunities, with every child bride we lose a teacher or a doctor A scientist, entrepreneur, or future political leader.

6) Poor upbringing of children:

In this case, the mother is uneducated and has no life experience, which makes her a person who is mentally and psychologically unfit to raise children, because education requires many elements, the first of which is for a person to become sufficiently mature.

7) psychological harm:



A minor girl falls under many pressures and responsibilities, which may exceed her age in stages because she suddenly finds herself responsible for a home, a man and a child in most cases, and thus becomes vulnerable to depression, especially post-pregnancy depression, because her awareness is not completely complete, as she is not a mature woman yet. Just a teenage girl shouldn't carry such burdens at such a young age.

We mentioned in this paragraph many results, all of which are negative, but we have to know that marriage in itself is not like this because there are many positive effects of marriage on society, and on individuals, but if it took place in its natural form and fulfills all the conditions that may it guarantees people their rights.

Suggested solutions to reduce the negative effects of underage marriage The following are some suggested solutions to reduce the negative effects of underage marriage:

There are some solutions through which it is possible to limit and perhaps eliminate the phenomenon of underage marriage in many societies immediately upon its application.

Duties of the States themselves:

- Ratification of international treaties concerned with human rights in general and women in particular.
- Ratification and implementation of the Geneva Convention protocols.
- Applying the International Criminal Court system to protect human rights, women and children.



- Include the provisions of child protection laws that prevent their marriage. Develop and implement laws to protect women from domestic social violence.
- Establishing strict legal standards for exceptions that allow underage girls to marry.

Duties of the society itself and the persons:

- Changing inherited negative social norms and limiting their impact, which means implementing programs that help change traditional behavior by raising awareness to achieve gender justice.
- Provide alternatives to this marriage; By taking some measures that lead to the empowerment of girls by creating a social environment that supports their education, develops their leadership skills, and empowers them economically.
- Create an environment to empower girls and enhance their potential and aspirations, by teaching them life and self-care skills, providing them with the necessary knowledge regarding marriage, and educating them on how to defend themselves so that they can reject the idea of early marriage.
- Activating equality in gender roles, by educating boys who will have an important role in girls' lives, such as fathers or brothers and others, and raising their awareness of girls' rights.
- Improving legal frameworks and political will to eliminate underage marriage, by working with organizations with local governments to develop programs to deal with the issue of underage marriage and holding those responsible to account.
- awareness; By activating the role of cultural centers by holding cultural courses to educate girls about the importance of education, and not only supporting displaced families with food, but rather raising awareness among these families of the importance of education,



- And last but not least, television and radio advertisements should be published explaining the negative aspects of underage marriage.

Third: Practical examples of African countries suffering from the marriage of minors.

The phenomenon of underage marriage is a widespread phenomenon in all countries of the world, but this phenomenon is widespread and abundant in the continent of Africa (West and Central Africa), and as an example of some African countries that suffer from the spread of this phenomenon, we will review three African countries, namely Mauritania, Nigeria and Iraq.

Mauritania

According to a statistic published by the United Nations Children's Fund (UNICEF), which monitors the phenomenon of underage marriage in Mauritania, the results of that statistic showed that more than a third of girls in the country are married before puberty.

This statistic states that "37 percent of Mauritanian girls are married before they reach the age of 18, and 14 percent are married before they reach the age of 15."

The organization warned of the exacerbation of the phenomenon, calling for action to prevent this type of practice, saying that "early marriage deprives girls of their right to health and education, exposes them to violence, and harms physical and psychological health."

Reasons for exacerbation of the phenomenon:

Specialists in Mauritanian society believe that the rise of early marriage is due to several factors, most notably the social traditions that view the matter as a natural matter. Mauritanian families do not find any harm in marrying off their daughters while they are minors.



Specialists add that Article 6 of the country's Personal Status Code specifies that the age of marriage is 18, but Mauritanian law places exceptions in the hands of parents, allowing them to marry off girls before they reach the legal age.

They demand the necessity of looking into this article, in which a loophole was found that parents exploit to escape punishment. Which, in their view, is the only deterrent to the spread of this phenomenon that the Mauritanian girl has been suffering from for decades.

The phenomenon of early marriage is widespread in the broad base of the Mauritanian society, and the phenomenon has deep roots in the popular culture, which considers the marriage of girls at an early age a cause of pride for the girl and her family.

With the change in time conditions and the emergence of many negative aspects of the marriage of minors, the state began to enact laws to limit the phenomenon, the first of which was in 2002 within the articles of the Personal Status Code, where the marriage of girls under the age of 18 was prohibited except in an exceptional case in which the law left an easy loophole for the family to access. An exception was made from the rule for the girl who showed her desire to marry under that age and left the evaluation to the judiciary.

Also, the legal article was not implemented, and was not accompanied by real monitoring and follow-up by the authorities, and therefore did not put an end to the phenomenon at a time when civil society organizations continued to monitor cases of early marriage and its great damage, which made it a real obstacle to the social development of a country that is still laying its development foundations and relying Too much on human resources.

In Mauritania, the rate of child marriage is relatively high, as indicators of the 2011 Multiple Indicator Survey indicate that 37 percent of married girls were married before the age of 18 and 15 percent were married before 15



years. 41 percent 18 years ago, according to the report of the African Campaign to Combat Child Marriage, which indicates that Africa hosts 30 out of 41 countries in which the practice of marrying young girls is widespread at a rate of 30 percent or more, and this practice is considered more severe in West Africa, as is the case in Mauritania.

Religious currents and underage marriage in Mauritania

The Mauritanian arena is witnessing polarization between the initiative of jurists opposing the marriage of underage girls and the religious currents that encourage it, while the Mauritanian girl remains hostage to the conservative social mentality and subject to dire consequences that may result from her forced marriage.

The position of the jurists' initiative rejecting the marriage of minors sparked a social and religious controversy within the Mauritanian society, as conservative religious currents considered it a ban on what God has permitted and an insult to the Islamic religion.

Sheikh Yahdhih Ould Dahi, Secretary-General of the Ahbab al-Rasul Group, said in an interview with an Arab DW, "We are with the marriage of underage girls or early marriage for its health and social benefits, which are represented in treating some psychological diseases for children, and it also immunizes women from delinquency and returns them to one husband so as not to spoil her mentality." In addition to fertilization, avoiding malignant tumors, lack of abortion, and other benefits," Walad Dahi said, "If it had health damages, what was stated in Islamic law would not permit it, because the principle in Sharia is that everything that harms is prohibited."

He concluded by saying that the United Nations sets the age of childhood at eighteen years, and this is contrary to all international laws, because the age



of marriage in all international laws is smaller than that, for example, France sets it for girls at the age of fifteen, and in the Jewish religion at twelve.

The Mauritanian government is taking a number of steps, such as launching campaigns to raise awareness of the risks of child marriage, as this country is still included in the list of countries where child marriage is common.

The campaigns supervised by the government aim to draw the attention of parents to the repercussions of underage marriage and its repercussions on the health and development sides, as Mauritania still occupies its position among the countries where child marriage is widespread.

Parents start marrying off their daughters from religious fatwas "issued by hard-line clerics." Although the experiences of early marriage result in tragedies, this does not constitute an obstacle for parents to marry their young daughters.

Among the victims of this practice is Zainab Ahmed Salem, 26, who describes her tragic experience. She was married to a man the same age as her father, who quickly divorced her after she gave birth to a daughter.

Zainab says in an interview with the German Wave "DW" that what she suffered because of her early marriage prompted her to enter the media and human rights work, with the aim of "to convey the voice of hundreds of girls who live the same experience and are unable to express their suffering due to fear or lack of awareness of the social and religious injustice they are experiencing." "

Zainab continues that she did not understand the meaning and concept of marriage, but she remembers well the day of her wedding when her aunt carried her "by force to the tent in which I had to be raped by a man 25 years older than me," noting that her aunt was carrying her the next morning to a tent. her dad.

The situation remained this way until the husband divorced her one month after marrying her, and moved to Angola to practice trade, and the girl ended



up having a baby, and the image of her mother, who was engraved in her memory as she cried for fear of her daughter dying during pregnancy, knowing that Zainab says She did not keep in her mind any image of a man who was once called her husband.

The young journalist adds that her parents expressed remorse for agreeing to marry her off to a man in exchange for some money to "enjoy a girl the age of flowers", expressing heartbreak over the continuation of this custom in her family and community, "without a sense of responsibility or remorse."

As Zainab Ahmed Salem says: "Personally, I feel alienated within my family because I insist on the logic of rejecting child marriage. In fact, many of my relatives look at me with irony and inferiority because I live without a husband at the age of 26".

Mauritania's universal periodic review solutions and proposals to eliminate the phenomenon of underage marriage:

- 130-206 combat all forms of violence and discrimination against women and girls, in law and in practice, and make more efforts to prevent female genital mutilation, child marriage, early and forced marriage (Italy);
- 130-241 amending legislation, including the Personal Status Code, with a view to prohibiting child marriage (Mexico);
- 130,242 moving forward to end child marriage, with the aim of ending all child marriages by 2030 in accordance with the Sustainable Development Goals (Kazakhstan);
- 130-243 Continue efforts to eliminate forced and child marriage and end forced child labor with the aim of ensuring that all children in Mauritania have access to a full and high-quality education (the Holy See);



- 130-244 continue its efforts to combat child marriage, in particular by organizing awareness campaigns among traditional and religious leaders (Gabon);

Nigeria:

After the kidnapping of more than two hundred girls in Nigeria by the Boko Haram group, the world's attention has increased on the situation of girls and women in Africa.

The United Nations urged the Nigerian government to work to prevent the marriage of young girls by encouraging them to continue studying for their own good and that of their families as well.

The United Nations Office in Abuja said in a press statement, "The federal government in Abuja and the various state governments should exert more efforts to ensure that minors do not marry, by encouraging them to go to their schools." Noting that education is the best option for girls,

The statement noted that girls can create a better future if they are allowed to continue their education and are prevented from early marriage... stressing the importance of providing them with educational services for a better future.

Child marriage remains widespread in Nigeria because the federal and state governments have not sufficiently enforced laws to prevent it, Human Rights Watch said today.

Child marriage rates in Nigeria are among the highest on the African continent, although the Federal Child Rights Act (CRA, 2003) prohibits marriage under the age of 18, the Nigerian constitution contains provisions that appear to contradict this position, and countries with Islamic legal systems have adopted federal law and the age of 18 is the age of majority for marriage, and some southern states that have adopted this position have failed to take appropriate steps to implement it.



In August and September 2021, Human Rights Watch remotely interviewed 16 married girls between the ages of 14 and 19, and representatives from eight civil society organizations working to end child marriage and gender-based violence in Imo and Kano states. Human Rights Watch chose these countries because of the different legal, traditional, and demographic statuses that represent other countries in their regions. Human Rights Watch sent an interview request to the Kano State Ministry of Women's Affairs and Social Development, and Imo State's Ministry of Women and Vulnerable Groups, but received no response.

Child marriage contravenes the Nigerian Constitution as well as the African Charter on the Rights and Welfare of the Child and the United Nations Convention on the Rights of the Child, which affirm the age of 18 as the age of majority, and guarantee the right of the child to be free from coercion and violence and to have access to health care and education.

Human Rights Watch found that married girls in Imo and Kano states are deprived of their basic rights to education, safe housing, freedom from violence, and often do not have access to adequate health care. Without strong regulatory protection for girls, families force them into early marriage for a variety of reasons, including religious and traditional practices and to avoid the social stigma of teenage pregnancy.

Some of the girls interviewed said they had tried to escape from forced marriage. A 14-year-old married girl had run away six times in three years but family members returned her to her husband each time.

Imo State, a predominantly Christian Igbo state in southeastern Nigeria, adopted a Child Rights Act in 2004, but child marriage is an ongoing problem. Girls interviewed said their families were the main motive for their marriage, in many cases against their will.

In the Sharia-compliant state of Kano, child marriage rates are among the highest in the country. In February, the Kano state assembly voted to adopt the Child Protection Act, but Governor Abdullah Omar Ganduji has yet to



approve it, as state lawmakers must ensure that the final version of the law ensures adequate protections for girls, including recognizing 18 One year of majority as stipulated by African regional and international law.

In Kano State, Human Rights Watch found that families often plan to marry girls without providing any choice about when or who they marry. Girls and young women said the decision about their marriage was based on traditional practices and family poverty. In many Sharia-compliant states in Nigeria, child marriage is justified on both religious and traditional grounds, as the age of puberty depends on the age of puberty, child marriage is fostered by inequality in gender roles and girls have limited decision-making power or physical independence or rights.

While some families also sought to ease their financial burdens by marrying off their daughters, married girls said that their economic conditions worsened after marriage and that they were poor and did not have enough food, most of whom either did not go to school or were taken out of school due to poverty and pressure to marry. They often lacked the ability to make decisions about finances within their families and bore most of the burden of home care and work in some cases prevented by their husbands from continuing paid employment.

Human Rights Watch found that there is an urgent need for Nigeria to harmonize its laws with international legal standards to protect children from marriage. The Child Rights Act must be adopted and enforced by all states. The federal government and state authorities that have adopted the law must put in place a robust action plan to ensure effective implementation of legislation and punishment. on non-compliance.

“The plight of girls and young women in Imo and Kano states highlights the broader issues involved in ending child marriage across Nigeria,” said Segun. “All states across Nigeria must strengthen laws and create effective systems to enforce them to ensure the welfare and safety of girls in Nigeria.”



Child marriage is a common practice in Nigeria rooted in traditional, economic, religious and legal conditions that disproportionately affect girls and women. Child marriage rates in Nigeria are among the highest on the African continent.

The United Nations Development Program for the year 2020 said in its development report that 43 per cent of women aged 20-24 married at the age of 18 in Nigeria, child marriage has profound and lasting effects on women throughout their lives, it prevents them from making their life decisions, and disrupts their education It exposes them to violence and discrimination and denies their full participation in economic, political and social life.

The Nigerian government has obligations under African and international human rights law to protect children from forced marriage, however, federal and state laws in Nigeria take contradictory positions on protecting children from marriage and violent traditional practices.

The Federal Child Rights Act adopted in Nigerian law prohibits child marriage as required by the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. But there is a conflicting clause in Section 29(4)(b) of the Nigerian Constitution which defines any married woman as having reached the age of majority, regardless of her age at marriage.

11 out of 36 states in Nigeria have not yet adopted the Child Rights Act. Customary and Islamic laws in many northern states also allow harmful traditional practices, such as child marriage and female genital mutilation, despite Nigeria's commitment to major international human rights treaties.



Recent reports show that in some northern states, 78 percent of girls marry before the age of 18.

Human Rights Watch research in two states exemplifies problems related to preventing child marriage in both the Muslim north and the Christian south, in the Islamically governed Kano state, discussions are underway to implement the Child Protection Act, but legislators need to ensure adequate protection by including recognition of the age of majority He is 18 years old as stipulated by international law.

The married girls interviewed who were pregnant before being forced into marriage said that their parents decided that they would marry against their will, in order to prevent any shame on the family based on society's perception that they had broken social norms and to ensure the financial future of the family, the girls and their children.

Poverty, religion, and discriminatory traditional norms fuel child marriage:

In northern states, such as the Muslim-majority state of Kano, child marriage rates are among the highest in the country. This practice is generally supported by interpretations of Islam, which allow a child's betrothal as early as puberty. However, some girls and women in Kano state said that discriminatory traditional norms and sexual social attitudes fueled their families' decision to marry them. Poverty increases the likelihood that families will resort to these harmful religious and traditional practices.

Juliette Nobudo, former coordinator of the "Girls Must Thrive" initiative in Kano state. Decisions to marry girls are usually made by older family



members, such as parents or older uncles, whose highest priority is to protect family honor and control the girls' sexuality.

statistics

Citing the 2013 Nigeria Demographic and Health Survey (NDHS), the report added that 58.2 per cent of Nigerian girls marry before they reach the age of 18.

She stated that although a comparison of data from 2013 to 2017 revealed a decline in child marriage in Nigeria, she described the rate of decline as modest, adding that the country is among the countries with the slowest decline in child marriage rates in West and Central Africa.

Nor is the rate of decline sufficient to significantly reduce child marriage in Nigeria under the current circumstances. Even if efforts are doubled, Nigeria will add about seven million minor brides by 2050, because the statistically significant decline will be reversed by population growth and the prevalence of child marriage in some regions and cultures, erasing any little progress that has been made in reducing child marriage in Nigeria”.

The report noted that by 2018, the proportion of women marrying before the age of 18 had fallen from 48 percent to 43 percent, while the proportion of women aged 15-19 who married before the age of 15 had fallen from 12 percent. to 8 per cent.

A report by the United Nations Children's Fund (UNICEF) has predicted that Nigeria will have 29 million girls by 2050.

The report, part of three reports on how poverty affects children in Nigeria, was launched by Vice President Yemi Osinbajo, in partnership with UNICEF, to celebrate Children's Day 2022.

The report put the number of children currently married in Nigeria at 22 million, and said it accounts for 40 percent of these cases in West and



Central Africa. However, she further predicted the addition of seven million child brides by 2050.

Nigeria's universal periodic review solutions and proposals to eliminate the phenomenon of underage marriage:

- 148-54 Adopt the necessary legislative and policy measures for the twelve northern states to adopt the Children's Rights Act that implements the prohibition of early and forced marriage (Honduras)
- 148-50 Ensure full implementation of the Violence Against Persons (Prohibition) Act and National Strategy 2017-2021 to End Child Marriage in all states (Namibia)
- 148-250 Ensure that women's rights are respected, protected and fulfilled, including their rights to sexual and reproductive health, and that discrimination is addressed through spousal succession laws and the elimination of child marriage (New Zealand)
- 148-275 Continue legal, administrative and policy measures to completely eradicate early and child marriage (Kenya)
- 148-274 redouble its efforts to ensure the extension of the 2003 law setting the minimum age for marriage at 18 years and its effectiveness in 36 states (Central African Republic)
- 148-277 Intensify actions to end child marriage and ensure implementation of the Child Rights Act at the national level (Spain)
- 148-278 Continue efforts to promote children's rights and combat child marriage in accordance with the 2017-2021 National Strategy to End Child Marriage (Tunisia)
- 148-276 Standardizing the age of marriage in all states in order to eliminate child, early and forced marriage, in law and practice (Sierra Leone)



- 148-273 Continue efforts to eliminate forced and early child marriage, as it has a negative impact on the economy and health of those concerned (Burundi)
- 148-279 Intensify efforts to protect and promote children's rights against all forms of violence and discrimination, in particular by preventing and combating child, early and forced marriage (Italy).

Iraq:

It seems that the high rates of domestic violence in Iraq and the economic decline during the Corona period and beyond, prompted many families to marry off their daughters before the age of 18 during 2021, higher than the previous rates counted by the government.

There may be other factors for the rise of such marriages. Most of them take place outside the Iraqi courts and with a marriage contract written in the offices of clerics. Iraqi courts reject such marriages, most of which turn into divorce cases that are presented to them later.

The cultural heritage that links family honor with early marriage of girls, economic oppression and poverty, are all challenges that require greater effort to end the marriage of underage girls that is prevalent in most countries of the Arab region. Iraq is no exception in this regard.

More than 25 percent

According to the results of the Integrated National Social and Health Survey for Iraqi Women, which was implemented in partnership with the Central Statistics Organization and the Kurdistan Statistical Authority, and with the support of the United Nations Population Fund, Iraq Office for the year 2021, the percentage of women who married before they reached the age of 18 reached 25.5 percent, while the results showed The survey indicated that the percentage of the same index in the Kurdistan Region amounted to 22.6 percent.



The high rates of underage marriage appear to be an extension of the previous 10 years referred to by the questionnaire, and confirmed that it often leads to depriving girls and women of access to empowerment factors, and may add a burden and obstacles to their education and development, and the Iraqi government aspires to address this phenomenon and ensure increased awareness regarding the spread of This harmful practice.

Economic costs

Former Minister of Women, Bushra Al-Zwaini, said that underage marriage increased the economic costs for the state and led to an increase in divorce rates among these ages. She added that the phenomenon "bred health and social diseases for girls who marry at this age, because they are unable to adapt to the husband's family in childhood, and they are unable to bear the burdens of married life, indicating that it increases problems on the shoulders of Iraqi society, and if we conduct a census, we will find that the marriage of underage girls is The most divorced.

Poor families

Al-Zwaini pointed out that "there are those who commit suicide among married women of this age as a result of their intolerance of family problems because of their young age," noting that most married women from poor families are uneducated or orphaned by parents or one of them, and it is rare to find those who marry at this age while they live in the midst of a well-to-do family or an educated family.

Regarding the reasons for the marriage of minors, Al-Zuwaini indicated that "including fear of spinsterhood, poverty, unemployment, domestic violence, and a misunderstanding of Islamic law, as the marriage is



concluded outside the framework of the courts and with the consent of the guardian."

Divorce rates on the rise

The Supreme Judicial Council had revealed a census of divorce cases for the year 2021 for the presidencies of the courts of appeal, except for the Kurdistan region, which reached 73,399 cases. Al-Karkh Federal came in second with 13363, followed by the presidency of the Basra Federal Court of Appeal in third place with 7317 cases.

Stress on health

Al-Zwaini believes that such marriages will put pressure on the health institution, due to the poor psychological conditions of girls who become responsible for families at a young age, indicating that this marriage will often make girls drop out of school, in addition to the fact that the possibility of divorce at this age will be greater.

She pointed out that sometimes the girl's marriage is with her consent because she is young and does not realize the responsibility that awaits her, and she will be happy with the wedding ceremonies, the engagement ring and the dress of joy, and at other times it is by forcing her relatives.

Amend the law

Al-Zwaini stressed the need to amend the Personal Status Law and to punish the guardian who marries his daughter at this age, as well as the person who concludes the marriage contract, ruling out that the law will be amended during the coming period due to the cultural heritage of the community.

So far, it seems that the specialized Iraqi authorities have not found a way to deal with this phenomenon, whether at the social or media level, with the exception of some statements and seminars that did not enter the core of the main problem, and studied its various causes in terms of personal or economic terms or any other influence factors behind it.



There are no penalties

The penal code did not punish the father of the wife or the cleric who concludes the marriage contract outside the court. And “Iraqi Personal Status Law No. (188) of 1959 stipulated that eligibility be verified in the marriage contract with conditions, pointing out that the marriage contract is not concluded unless the offer and acceptance (the satisfaction of the husband and wife) are achieved and the testimony of two witnesses enjoying the capacity and the contract is concluded in the court, but the Personal Status Law did not The father of the wife or the cleric is punished, and this is a shortcoming in the article, because these are considered accomplices in the crime, not just the husband.

Article (10) Paragraph 5 of the Personal Status Law stipulates that the husband is punished if he concludes a contract outside the court for a minor, indicating that the penalty is imprisonment for a period of six months or a fine.

Statistics:

The latest official statistic issued by the Iraqi Judicial Council revealed the number of divorce cases in Iraq during January 2020, registered in the courts of all Iraqi governorates - except for the Kurdistan region - which amounted to 5,143 cases, while the total number of cases of separation reached 1,443.

Legislative part:

The Iraqi legislator criminalized the marriage of underage girls and imposed a penalty ranging from six months in prison or a fine of two hundred thousand and one million dinars, equivalent to six hundred dollars, which is an insufficient punishment for a crime that leads to a societal collapse, according to what women’s associations see.



What is striking about this phenomenon is that it has invisible negative effects, so to speak. For example, it actually deprives girls of experiencing the normal childhood and adolescence life, as life burdens them with burdens and responsibilities early, and many of them are forced to abandon their studies due to pregnancy or New domestic and marital responsibilities on their lives.

Iraqi law is supposed to set the age of marriage at 18, but it also allows the judge to marry off girls who are less than 15 years old, for various reasons. Therefore, in many cases, many families resort to the option of religious marriage. In Article Seven of the Personal Status Law, there is a condition of eligibility and reason for contracting marriage, which may not be available to a girl of her childhood age. In addition, Article 7 actually conjugates marriage for those who have reached the age of 15 as long as this is approved by the court itself and the girl's guardian, but if she is under 15 years old, the marriage is not registered in the court records.

However, this does not prevent many families from marrying off their daughters who have not reached the age of 15, as long as Iraqi law does not place strict legal conditions on the marriage of minors, and defines marriage as "a contract between a man and a woman that is legally permissible for him." Until now, law enforcement officials ignore that underage marriage also causes an increase in divorce cases, and sometimes because of the girl's inability to deal and manage the challenges of marriage and its great responsibilities.

Many experts around the world warn that underage marriage in many cases causes severe bleeding during childbirth, which leads to death, or to early miscarriage as a result of an incomplete physical structure.

And gynecologist Dr. Nermin Al-Jaf confirms to Shafak News that "the puberty of the girl is usually at the age of 11 years, or she may have reached puberty, and in both cases I have sometimes seen that immature girls come to the clinic while they are married. At this age, the reproductive system is incomplete. At the age of 16, the uterus is qualified for marriage and marital



relationship, but even childbirth is unnatural at this age, as most ages resort to a caesarean section.

In summary, according to experts, it seems that the exacerbation of this phenomenon in Iraq requires a set of solutions and overlapping initiatives to address it, starting with clear and more stringent laws, and passing through addressing the prevailing religious and social provisions and concepts, leading to working on developing societal awareness about this phenomenon that harms girls psychologically, socially and healthily, it imposes additional challenges on the Iraqi economy and society.

Solutions and proposals of the universal periodic review of the State of Iraq to eliminate the phenomenon of underage marriage:

- 147-265 to prevent and eliminate practices harmful to women and girls, in particular early and forced marriage (Montenegro);
- 147-270 Eliminate remaining harmful practices, in particular female genital mutilation and early and forced marriage, and increase public awareness of their negative effects (Ukraine);
- 147-273 Develop policies and mechanisms to effectively protect children's rights, in particular against the sale of children, child prostitution, early marriage, child labor and internal displacement (Ecuador);
- 147-257 Strengthening efforts to prevent and combat all forms of discrimination and violence against women, in particular through the full implementation of the Convention on the Elimination of All Forms of Discrimination for Women and taking further measures to eliminate female genital mutilation and early and forced child marriage (Italy);



Conclusion:

Underage girls may be forced to marry for multiple motives and for different reasons, intersecting with the absence of deterrent legal texts preventing those who force a minor girl to marry, and this is done in an environment where the educational level is declining.

Underage marriage is a type of gender-based violence, as this violence is limited to girls in forcing them to marry without their will or consent having



any role in the completion of the marriage, in addition to that, their failure to complete the legal age of marriage, and the phenomenon of underage marriage is robbery for all the rights related to the girl child, therefore, it must be addressed and limited, and efforts must be strengthened to eliminate it, in order to lead a dignified life.