

# Child marriage in Egypt, Turkey, and the United States of America

The position of women, the underlying causes, and the law versus daily life reality for underaged girls

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## 1 Introduction

"My mom asked me if I wanted to get married, and I said, 'I don't know, what is marriage, how do I act like a wife?'"<sup>1</sup>

In 2018 I participated in a semester abroad and therefore lived in Cairo for six months. During my many and long walks through the city, I met people of all sorts and in different circumstances. What made a deep impression on me were the babies sleeping on dirty blankets among the scurrying mutts under an overpass while their parents tried to make some money selling tea and cleaning shoes. I also found the many street children begging on the sidewalk for fast food restaurants and invisible to most people heart-breaking; some were very young, and others were teenagers, sometimes with a baby under their arms. Because of those street children, I encountered the phenomenon of child marriages and summer brides in Egypt for the first time, and I wrote my bachelor thesis about it. However, I felt that the story was not yet 'finished', which is why I asked if my master thesis could again be about child marriage, this time with Turkey and the United States of America added to Egypt to make it possible to compare those countries.

### 1.1 Problem statement

"Child marriage is any formal marriage or informal union where one or both of the parties are under eighteen years of age. Each year, twelve million girls are married before the age of eighteen. That is 23 girls every minute. Nearly one every three seconds."<sup>2</sup> It is also considered a human rights violation; multiple international human rights agreements, including the Universal Declaration of Human Rights<sup>3</sup>, condemn the practice of child marriage and call for the protection of the children – mainly girls – involved.

Child marriage is connected to several socio-economical and sociocultural factors. Many people make the misunderstanding to link the practice to religion or a specific country/area or

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<sup>1</sup> Nicholas Kristof, "11 Years old, a mom, and pushed to marry her rapist in Florida," *The New York Times*, May 26, 2017, <https://www.nytimes.com/2017/05/26/opinion/sunday/it-was-forced-on-me-child-marriage-in-the-us.html>.

<sup>2</sup> "About child marriage," Girls not Brides, accessed February 10, 2021, <https://www.girlsnotbrides.org/about-child-marriage/>. 1.

<sup>3</sup> "Universal Declaration of Human Rights," United Nations, accessed February 10, 2021, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

claim that "only poor people marry their daughters off at an early age". The reason to use data from the USA instead of, let us say, Morocco is to point out that child marriage is happening worldwide, prosperous and developing countries alike. Official data from the governments themselves are often not accessible; however, this does not mean no research is available. Many scholarly articles are easily found, as well as numerous articles in newspapers, blogs, and magazines. Besides these sources, especially non-governmental organisations such as Girls Not Brides, Anti-Slavery Organisation, and Amnesty International provide valuable background information about the subject. Also, UNICEF, the World Bank, and the World Policy Center provide access to global research, data, and even maps, directed on worldwide social policies. Because the data provided in newspapers, scholarly articles and non-governmental organisations are all in English, one must be aware of a certain bias as most articles are written from a dominant Western perspective.

## 1.2 Literature review

The literature for this thesis comes from various sources. Part of it is scholarly literature, but newspaper articles/blogs and reports from non-governmental organisations are also important sources of information, all written in English, as stated above. I do not use literature written in Arabic or Turkish because I do not speak these languages. However, since much material is available in English, this is not a problem for the topic of this thesis.

When studying the literature, several things stand out. First, the research is of recent date; one article is from 2007, but all others are from 2010 and later. Second, a non-governmental organisation like *Girls not Brides* committed to child marriage worldwide was founded in 2011. Third, the same applies to the reports and annual reports of organisations as Amnesty or UNICEF; before that time, there was less attention for the phenomenon of child marriage, and it was more easily dismissed as something that was culturally determined.

After 2011, however, there has been a significant increase in scholarly articles and newspapers and blogs, with growing attention for child marriages. A problem that you encounter when collecting material from Turkey, Egypt, and the USA in combination with child marriage, is that there are significant differences in the origin of the articles. Many are written within the social sciences, but humanities, law or surveys in public health issues are also worth examining and are a valuable addition to the material. A few examples to show that the origin of the articles is very diverse: *Northwestern Journal of International Human Rights*,

*International Journal of Children's Rights, International Journal of Human Sciences, but also Social Work in Public Health, Journal of Adolescent Health and the Journal of Women, Politics and Policy.*

Most of the collected studies have a connection with (mental) health<sup>4</sup>, linked to family planning, sex roles and adolescence. Other collected studies deal with human rights and (international) law<sup>5</sup> concerning child marriage or link the two subjects. Many publications have

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<sup>4</sup> Ceren Acarturk et al., "Vulnerabilities of Syrian refugee children in Turkey and actions taken for prevention and management in terms of health and wellbeing," *Child Abuse and Neglect* (July 2020): 1-13; Ayse Avci et al., "Evaluation of child marriage in a Turkish sample: 8 years' data," *Journal of Health Psychology*, (2020): 1-9; Jacqueline Bhabha et al., "Girl child marriage as a risk factor for early childhood development and stunting." *Social Science and Medicine* vol. 185 (2017): 91-101; Regina S. Baker, "The Changing Association Among Marriage, Work, and Child Poverty in the United States, 1974–2010," *Journal of Marriage and Family* 77, no. 5 (2015): 1166-178; Patricia Bevan et al., "The Lived Experience of Child Marriage in the United States," *Social Work in Public Health* 34, no. 3 (2019): 201-13; Yuk Fai Cheong et al., "Women's Age at First Marriage and Postmarital Agency in Egypt," *Social Science Research* 57 (2016): 148-160; Caroline Dubertret et al., "Child Marriage in the United States and Its Association with Mental Health in Women," *Pediatrics (Evanston)* 128, no. 3 (2011): 524-30; Songül Duran et al., "Socio-demographic Correlates of Child Marriages: A Study from Turkey," *Community Mental Health Journal* 55, no. 7 (2019): 1202-209; Seher Durğut et al., "Predictors of Marital Adjustment among Child Brides." *Archives of Psychiatric Nursing* 32, no. 5 (2018): 670-76; Jeffrey Edmeades et al., "Economic impacts of child marriage: A review of the literature," *The Review of Faith & International Affairs* 13 no. 3 (2015): 12-22; Shatha Elnakib et al., "20 Years of the Evidence Base on What Works to Prevent Child Marriage: A Systematic Review," *Journal of Adolescent Health*, 2021, *Journal of Adolescent Health*, 2021-01-11; Mona Eltahawy, "Why do they hate us" *Foreign Policy*, no. 193 (2012):64-70; Feray Erselcan et al., "Domestic violence against women: A field study in Turkey." *The Social Science Journal* 44, (2007): 698-720; M. Gök, "Child Marriages in Turkey with Different Aspects," *International Journal of Human Sciences* 13, no.1 (2016): 2222-2231; Jennifer L. Hardesty et al., "Managing secrecy and disclosure of domestic violence in affluent communities," *Journal of Marriage and Family* 79, (2017): 556-570; Derya Hasta et al., "A Social Dominance Theory Perspective on Attitudes Toward Girl Child Marriages in Turkey: The Legitimizing Role of Ambivalent Sexism," *Sex Roles* 77, no. 9 (2017): 687-96; Jody Heymann et al., "Child Marriage in the United States: How Common Is the Practice, And Which Children Are at Greatest Risk?" *Perspectives on Sexual and Reproductive Health* 50, no. 2 (2018): 59-65; Rachel L. Kaplan et al., "Husband's control and sexual coercion within marriage: Findings from a population-based survey in Egypt," *Violence Against Women* 17, no. 11 (2011):1465-1479; Susan Lee-Rife et al., "What Works to Prevent Child Marriage: A Review of the Evidence," *Studies in Family Planning* 43, no. 4 (2012): 287-303; Chata Malé et al., *Basic Profile of Child Marriage in Egypt*. Health, Nutrition and Population Knowledge Brief. World Bank, Washington, DC, 2016; Susanne Louis B. Mikhail, "Child marriage and child prostitution: Two forms of sexual exploitation," *Gender and Development* 10, no. 1 (2002):43-49; Goleen Samari, First birth and the trajectory of women's empowerment in Egypt,' *BMC Pregnancy and Childbirth* 17, no. 2 (2017)1-13.

<sup>5</sup> Akram Alsaidi, "What drives child marriage in the Arab world and how the world is combating the problem" *Law School Student Scholarship* 775 (2015):1-32; Bahar Öcal Apaydin et al., "The Unacceptable Spectre of Under-Aged Forced Marriage in Turkey." *University of Bologna Law Review* 5, no. 1 (2020): 28-58; Megan Arthur et al., "Child Marriage Laws around the World: Minimum Marriage Age, Legal Exceptions, and Gender Disparities," *Journal of Women, Politics & Policy* 39, no. 1 (2018): 51-74; Vivian E. Hamilton, "The age of marital capacity: Reconsidering civil recognition of adolescent marriage," *Boston University Law Review* 92, no. 6 (2012): 1817-1863; Yakare-Oule Jansen, "Muslim Brides and the Ghost of the Shari'a: Have the Recent Law Reforms in Egypt, Tunisia and Morocco Improved Women's Position in Marriage and Divorce, and Can Religious Moderates Bring Reform and Make it Stick," *Northwestern University Journal of International Human Rights* 5, no. 2 (Spring 2007): 181-212; Rita Mutyaba, "Early Marriage: A Violation of Girls' Fundamental Human Rights in Africa," *The International Journal of Children's Rights* 19, no. 2 (2011): 339-355; Quentin Wodon, "Islamic Law, Women's Rights, and State Law: The Cases of Female Genital Cutting and Child Marriage," *The Review of Faith & International Affairs* 13, no. 3 (2015): 81-91.

in common, despite their different backgrounds, that they all indicate that research in countries such as Egypt<sup>6</sup> and Turkey<sup>7</sup> is complex because child marriage often takes place behind closed doors. In one study conducted in the USA, Bevan<sup>8</sup> called married children “a hidden population,” while Hardesty<sup>9</sup> refers to women being too ashamed to speak out. Both Egypt and Turkey have in common with the USA that the government does not always have a grip on the communities where it is customary to marry girls off at a (very) young age. The articles written by lawyers are often straightforward: this is what the law says, what is allowed, and so it is and will be the case. They do not affect the results but are necessary and valuable as they provide insight into the countries' legal basis regarding child marriage.

Interesting are the different perspectives of the literature. Rural versus urban areas, religion, and socioeconomic/sociocultural conditions are all considered and discussed. For example, the article from Hardesty<sup>10</sup> focuses on a, by American standards, small town located in the Midwest. Opposite this study is the study from Heyman<sup>11</sup> using data that has been collected nationwide and with hundreds of thousands of participants in the American Community Survey. In Egypt, several studies focused on the agency<sup>12</sup> that women have in their marriage and whether that agency depends on the age of marriage. For Turkey, Durgut<sup>13</sup> collected data from a hospital to analyse their opinions about their marriages, while Acarturk<sup>14</sup> reviewed collected data from Syrian refugee children. Besides scholarly material focused on one country, there are also articles that span areas such as Bhabha<sup>15</sup> examining intergenerational effects of child marriage in Africa and Arthur<sup>16</sup> discussing child marriage laws worldwide. The newspapers often discuss individual cases or reactions to legislation changes and the anger caused by violence against women. Furthermore, voluminous reports of non-governmental organisations discuss countries, laws, women's position in society, and what can be done to prevent child marriage. All this data combined gives a good overview of the phenomenon of child marriage and the backgrounds against which it takes place.

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<sup>6</sup> Cheong et al., “Woman's age,” 151.

<sup>7</sup> Erselcan et al., “Domestic violence,” 716; Gök, “Child marriages,” 2228.

<sup>8</sup> Bevan et al., *The lived*,” 203.

<sup>9</sup> Hardesty et al., “Managing secrecy,” 562.

<sup>10</sup> Hardesty et al., “Managing secrecy,” 559.

<sup>11</sup> Heyman et al., “Child marriage,” 60.

<sup>12</sup> Cheong et al., “Women's age.”; Edmeades et al., “Economic impacts.”

<sup>13</sup> Durgut et al., “Predictors of,” 671.

<sup>14</sup> Acarturk et al., “Vulnerabilities of,” 2.

<sup>15</sup> Bhabha et al., “Girl marriage,” 93.

<sup>16</sup> Arthur et al., “Child marriage,” 55.

Several scholars also (co-) write the international aid organisations reports, which creates, for example, an overlap between scholarly literature and a World Bank report.<sup>17</sup> Furthermore, I mainly use reports from non-governmental organisations that deal with children's and women's rights and child marriages, such as Girls not Brides, UN Women, and Child USA, to name a few. What stood out while writing my bachelor's thesis, and still is, is that reliable statistics are missing. Figures that would indicate how many girls under eighteen (forcibly) marry, but especially in Egypt, numbers about children born before the mother turned eighteen. Why this is a significant problem will be explained in the section about Egypt.

Child marriage is practised worldwide, and for the girls becoming brides, the changes in their lives after the wedding are enormous. Not only does marriage often end their school careers in countries like Turkey and Egypt, but the effect of marrying too young is also detrimental to the girls' mental and physical health, as is convincingly revealed by the study done by Bhabha.<sup>18</sup> Although being focused on sub-Saharan Africa, it explains the problems and emphasises that child marriage is a global and not a local phenomenon. The main issues in most studies are that the married girls have children before they are adults themselves and that not finishing their education will contribute to them living in poverty. A study by Elnakib<sup>19</sup> that compared 30 other studies concluded that keeping girls in school for as long as possible is the only way to prevent child marriage. Another study by Dubertret<sup>20</sup> was one of the first to look at the effects of underage marriage on the rest of women's adult lives (> 45 years old) in the USA. Although the researchers also point to the limitations of their data, they found remarkably high figures in the field of psychological complaints from women. They suggest that more attention and support should be given to women who were already married as children. A recent study from 2019<sup>21</sup> that interviewed adults married as children also points out that although it is debated in the USA, pregnancies were not the ulterior motive why the participants were married while aged between 13 and 17. All studies refer to difficulties in contacting participants and the need for further studies to help social workers to improve the quality of living for adolescent – married – girls in the USA. Both studies show the importance of girls'

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<sup>17</sup> Wodon, "Basic profile.;" Wodon, "Economic impacts."

<sup>18</sup> Bhabha et al., "Girl child marriage," 100.

<sup>19</sup> Elnakib et al., "20 years," 14.

<sup>20</sup> Dubertret et al., "Child marriage in the USA," 530.

<sup>21</sup> Bevan et al., "Lived experience," 208.

self-determination over their bodies and lives as education and mental health are affected by being forced to marry underaged.

Studies conducted in Egypt, Turkey, and the USA all agree that child brides frequently suffer from domestic violence, besides the (mental) health problems described above. According to Edmeades, child marriage as such “can be considered a form of violence against girls.” Still, in Egypt, the different views on gender make them subordinate to men, making them vulnerable to violence. Ironically, the parents' intention before marrying off their daughters is to protect them from violence and sexual harassment by strangers. Still, once the marriage is conducted, it is from the hands of their husbands they suffer from most due to marital rape and domestic violence.<sup>22</sup> A field study in Turkey analysed domestic violence against women based on data from four cities.<sup>23</sup> Interesting is their conclusion that domestic violence against women decreases as the age of women increases. This is linked to having reached a certain level of stability within the marriage and is in line with other reports that the younger the women are, the more violence there is to be experienced.<sup>24</sup>

In the USA, Dubertret added emotional violence behind closed doors and severe isolation of the girls once married, and an association with a low educational level.<sup>25</sup> It is intertwined, as girls who become brides quit school to become homemakers and mothers and thus have a high risk of isolation. What should be emphasised is that violence not always physical but can also be emotional. Sexual violence and domestic violence do have a connection but are often mentioned separately.<sup>26</sup>

Looking at the literature, it is noticeable that it is fragmented; there are scholarly articles about child marriage and different disciplines. This fragmentation of the literature between social scientists on the one hand and lawyers on the other means that there is no single fixed theoretical-methodological framework and that no references are made to each other's studies. Because I use these different sources and research in my thesis, this project is comparative and, perhaps most importantly, synthesising in nature, strengthening the research brought together. I use the word ‘synthesising’, as bringing all these various sources together to make a comparison between countries has not been done before to my knowledge. Based

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<sup>22</sup> Edmeades et al., “Economic impacts,” 16.

<sup>23</sup> Erselcan et al., “Domestic violence,” 703.

<sup>24</sup> Erselcan et al., “Domestic violence,” 713.

<sup>25</sup> Dubertret et al., “Child marriage,” 530.

<sup>26</sup> Edmeades et al., “Economic impacts,” 16.



on the available literature, I formulated my research question: *What causes child marriage in Turkey, Egypt, and the United States of America, and do these countries' laws help protect the underaged girls?*

### 1.3 Theoretical framework and methodology

This thesis looks at girls who get married early and the problems they face as a result. Because it looks at both socio-economic and sociocultural causes, a few topics keep recurring. This includes issues related to gender roles, women's self-determination of their own body, independent decision-making, but also fundamental human rights and health. Being married off as a child affects all these things, mostly negatively because it takes away their autonomy; they leave school to take care of the household and children, become economically dependent, and, above all, have a significant impact on their health. This is opposed to the idea of feminism, which is fought for by women in all three countries for women's rights.

Feminism has many different connotations for people. The definition of feminism<sup>27</sup> is as following: belief in and advocacy of the political, economic, and social equality of the sexes expressed especially through organised activity on behalf of women's rights and interests. A theory from gender studies will most fit as the subject of child marriage touches upon various fields of study, such as public health, (international) law, human development, and religion, just to name a few of many. Gender studies are interdisciplinary as well, as is the collected research material. Women's studies are part of gender studies. As an academic field that focuses on social and cultural constructs of gender, it fits this thesis as it is written from the perspective of the girls and women involved.<sup>28</sup>

Within women's studies, I encountered feminist theory, which examines women's and men's social roles and tries to understand the nature of gender inequality. This is also a relatively new field of study that started to develop over the 1970s, although the first theory was already written in 1792 by Mary Wollstonecraft.<sup>29</sup> Feminist theory combines various approaches and disciplines and is, in its way, as multidisciplinary as gender studies

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<sup>27</sup> "Feminism," Merriam Webster, accessed February 22, 2021, <https://www.merriam-webster.com/dictionary/feminism>.

<sup>28</sup> "Gender Studies," Abiha Mohsin, University of London, via Academia, accessed June 8, 2021, [https://www.academia.edu/36662866/Gender\\_Studies\\_Introduction\\_to\\_Gender\\_Studies](https://www.academia.edu/36662866/Gender_Studies_Introduction_to_Gender_Studies).

<sup>29</sup> Wollstonecraft, Mary. *A Vindication of the Rights of Woman: With Strictures on Political and Moral Subjects*. Cambridge Library Collection - British & Irish History, 17th & 18th Centuries. 2010.

themselves. Elements that re-occur in research can be categorised as medical, legal, and social, as does the literature, and is as multidisciplinary as the articles I used to write this thesis. Feminism as a basis for theory would not exist as it was not for the link between politics and (female) empowerment. The latter is just like child marriage, a worldwide phenomenon.<sup>30</sup> Feminist theory also connects to social factors; in this thesis, socioeconomic and sociocultural aspects will explain child marriage and the circumstances under which this practice occurs in each of the three countries. It is also connected to keywords such as autonomy, health, education, patriarchy, and human rights. It furthermore reflects the stereotypical gender roles of the child brides, as they become wives and mothers at a time in their lives when they should only still be daughters.

The research of this thesis is on the cutting edge of different fields of study, three of which are the most striking. The first is children's rights. This means the rights, worldwide, of children from zero to eighteen years old and is described in the United Nations Convention on the Rights of the Child.<sup>31</sup> Children's rights concern all matters that (may) relate to children: education, health and the role of family and parents, but also freedom of religion and freedom of expression. The second is human rights in general. They can be divided into civil rights, the most important of which is integrity rights. These are aimed at non-discrimination, equal treatment, protection of the person, privacy, home and family life, and torture prohibition. In addition, there are social, economic, cultural, and collective rights. They are described in detail in the Universal Declaration of Human Rights<sup>32</sup> by the United Nations since 10 December 1948. Third, women's studies<sup>33</sup> play an essential role in this thesis because many of the studies that have been used have focused not only on women but also conducted by women. It is a broad field of research primarily concerned with social relations between the sexes. However, there are many sub-disciplines, such as psychology, and as a field of study, it is intertwined with gender studies.

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<sup>30</sup> Lisa Disch and Mary Hawkesworth, eds., *Feminist Theory: Transforming the Known World* (Oxford: Oxford Handbooks Online, 2015), Introduction, <https://www-oxfordhandbooks-com.ezproxy.leidenuniv.nl/view/10.1093/oxfordhb/9780199328581.001.0001/oxfordhb-9780199328581-e-1>.

<sup>31</sup> "Convention on the Rights of the Childs," UNICEF, last accessed May 8, 2021, <https://www.unicef.org/child-rights-convention/convention-text>.

<sup>32</sup> "Universal Declaration of Human Rights," United Nations, last accessed May 8, 2021, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

<sup>33</sup> Sandra Coyner, "The ideas of mainstreaming: Women's Studies and the disciplines," *Frontier: A Journal of Women Studies* 8. no. 3 (1986): 87-95, <https://doi-org.ezproxy.leidenuniv.nl/10.2307/3346380>.

Interesting is a theory developed by the organisation Girls not Brides and what they call “A Theory of Change on Child Marriage”.<sup>34</sup> They acknowledge that there is no one solution for ending a global phenomenon such as child marriage, and it will take a long time and even more effort to change. The idea behind this theory of change is that it takes place within communities but cannot be done by the communities alone. They need help on all different levels and is divided into four groups. First, it is the girls who need empowerment, education, and awareness of their rights. Second, the families and communities need to be involved; they must realise the harm done to the girls and become familiar with the alternatives for marriages. Third, services such as education, health care, and prevention are needed, and lastly, laws and policies should be established and implemented. All these measurements should, over time, lead to girls who get to decide for themselves whom and when to marry.

The methodology will be comparative of nature but synthesising as well, as it will bring different fields of study together to make the comparative analysis. The scholarly literature shows that it is fragmented. As I stated above, more and more articles are written about child marriage but from different disciplines. The synthesising part of bringing the literature together is the niche of this thesis. It is not an existing methodology, but, as explained earlier, the phrase indicates that synthesising the material is what is done within the comparative method used. The research is bringing various sources and fields of study together based on secondary literature.

With comparative methods, the scope of the research is limitless, and this thesis is called a single-N study. This type is used to analyse a small number of cases, typically 2, 3 or 4 and referred to as a case study. It will compare the differences in legislation in Egypt, Turkey and the USA, the position of women, the underlying causes, and the law versus daily life. Although it is fair to argue this is an area study, one must be aware of false uniqueness in this comparative study. Therefore, it will not emphasise the uniqueness of child marriage in the chosen countries. It is also a worldwide phenomenon and not something exceptional that only happens in these three countries, but it will be a comparison. That makes this thesis descriptive

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<sup>34</sup> “Theory of Change,” Girls not Brides, published July 9, 2014, <https://www.girlsnotbrides.org/articles/theory-change-child-marriage-girls-brides/>.

as it will compare the same situation that women are in but in different countries and cultural settings.<sup>35</sup>

This means that the structure of the chapters is the same. After a short introduction, the position of women and the consequences of early marriage are first discussed. After that, the focus is on two issues: domestic violence and health. This choice was made for several reasons. First, there is a limit to the number of words that can be used for this thesis. Second, there must be enough material available to use from different backgrounds. Third, an essential part of a good comparison aims to say something general while engaging in scholarly literature and debates.<sup>36</sup> It is, therefore, not only the intention to explain child marriages but also the consequences and the broader context in which they take place.

The second subject to be discussed in each country is the prevalence of child marriage and the underlying causes. This is divided into socioeconomic and sociocultural factors, although they are intertwined. Finally, legislation per country will be discussed and a description of daily life. What does the law say, and how do people deal with these laws? A short discussion will follow this to wrap up the chapter.

These case studies are based on a variety of data from very different sources. It is essential to realise that the available material differs per country, as do the sources. Therefore, they cannot test a theory, but it is possible to develop a new theory with more research. It will be what Heath and Halperin call a contextual description<sup>37</sup> in their book: “Purely descriptive case studies do not seek to advance or apply theory, but rather to provide a thick description of a particular event or phenomenon in a particular country”. It is not an often-used method, but neither is synthesising various fields of study and other material, so it is a fitting approach for this thesis.

#### **1.4 Thesis outline**

This thesis aims to look at two countries in the Middle East, namely Turkey and Egypt and the United States of America. What does the law say in these countries? For example, is there a minimum age for marriage? How is the law applied, is the problem taken seriously or is the law

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<sup>35</sup> Heath, Oliver, and Sandra Halperin, *Political Research: Methods and practical skills* (Oxford: Oxford University Press, 2020), 231-233.

<sup>36</sup> Heath and Halperin, *Political Research*, 234.

<sup>37</sup> Heath and Halperin, *Political Research*, 235.

considered a paper tiger? What are the similarities in the countries, and what are the differences? The results of the research will be structured in small sections where the three countries will be discussed. What do the results mean, what does it matter for the countries, can they be compared? What is still missing, are there significant gaps, and what does the data show?

This thesis is divided into several chapters: following this introduction will be three chapters that focus on the situation per country and the (possibly) different variants in child marriage. Then, a short chapter will summarise the three case studies per category to clarify the subjects before the conclusion as the research material per country is not identical. Finally, the conclusion will answer the research question and wrap up the thesis, including a final reflection and possible recommendations for future research or solutions for the problem.

## 2 Case Study: Egypt<sup>38</sup>

"Some girls have been married 60 times by the time they turn 18."<sup>39</sup>

According to Article 227 of the Egyptian Penal Code, the law in Egypt is clear: it is an offence to marry minors. Parliament also passed a law in 2008 that changed the marital age from sixteen to eighteen.<sup>40</sup> However, child marriage is still very prevalent in Egypt, and the new legislation – that will be discussed in the section on the law – has changed little for the girl's prey to early marriage. There are two different variants in Egypt: traditional child marriage and the phenomenon of tourism brides, a euphemism for child prostitution. This chapter will discuss women's position in Egypt and the consequences on their physical and mental well-being. After that, a section about the two different underaged marriage types and the underlying causes will follow. The last part will focus on the law in Egypt and compare it to daily life.

### 2.1 The position of women in Egypt and consequences of early marriage

The position of women in Egypt is challenging to describe. On the one hand, there is a lot of literature available focusing on domestic violence and intimidation and health issues caused by early marriage.<sup>41</sup> On the other hand, women played a significant role during the Arab Spring and its demonstrations. The latter has generated more attention to women's rights and ensures that women's position in society is continuously developing. However, the situation women find themselves in is still not always that promising. Not only is a woman's status within the family much lower than her husband's status, domestic violence and sexual coercion are also not punishable under Egyptian law.<sup>42</sup>

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<sup>38</sup> My bachelor thesis is titled "Kindhuwelijken en zomerbruiden in Egypte" and for this chapter I use some of the same sources as they are still actual. However, the way the material is used is different. Where the articles in the previous thesis were used to support the description of the course of events, this thesis uses them as part of the comparison between the three countries. All hyperlinks have been checked to see if they are still valid and, if necessary, adjustments have been made in the field of figures and other data that has changed.

<sup>39</sup> Max Fisher, "Some girls have been married 60 times by the time they turn 18." *The Washington Post*, August 6, 2013, <https://www.washingtonpost.com/news/worldviews/wp/2013/08/06/some-girls-have-been-married-60-times-by-the-time-they-turn-18/>.

<sup>40</sup> Mutyaba, "Early marriage," 346.

<sup>41</sup> Arthur et al., "Child marriage"; Bhabha et al., "Girl child"; Cheong et al., "Women's age"; Kaplan et al., "Husband's control"; Mutyaba, "Early marriage".

<sup>42</sup> Kaplan et al., "Husband's control," 1467.

A recent article called domestic violence “Egypt’s hidden pandemic”; and COVID-19 making the situation worse for women.<sup>43</sup> Domestic violence on the rise linked to the COVID-19 pandemic is not unique for Egypt; globally, countries report an increase related to the ‘stay at home’ advice or lockdowns. People are at home together day and night, often in small living spaces, while under a certain amount of stress due to losing their jobs. This is not just happening in the Middle East or Asia; Europe reports a jump in various countries due to the lockdowns as well.<sup>44</sup> However, there is more at play in Egypt than ‘just’ a pandemic; domestic violence has its roots in society’s structure and women’s role.

Egypt is a patriarchal society where the family is of great importance, and it is believed that parents know what is best for their daughters.<sup>45</sup> Therefore, the family often sees marriage as necessary, and unions are usually arranged by parents, who are not so concerned with their daughter's interests but put the family's interests first. For parents, financial motives also play a role in marrying off their daughters by receiving the bride price, which can be higher when they are still young. These marriages conform to the social norm but have a lifelong impact on the girls' way of life.<sup>46</sup> Once married, it is the women who spend most of their time within the walls of their home; the husband, as the breadwinner, is the head of the family and makes decisions for all family members.<sup>47</sup>

Legislation in Egypt also affects how married women are treated. For example, if the husband declares that he hit his wife with the "best of intentions", there is no permanent harm, and if he has not aimed at his wife's face, then there is nothing to worry about. This way of thinking and acting is illustrative of women's status in Egypt, where they must obtain permission from their husbands or male guardians for the simplest acts of leaving home or driving a car.<sup>48</sup>

In addition to domestic violence, another problem that women and girls in Egypt regularly face is sexual harassment and gender discrimination. Also, reporting sexual harassment is tricky; women are threatened when they go to the police and sometimes, filing

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<sup>43</sup> Mirna Abdulaal, “Egypt’s hidden pandemic: Domestic violence on the rise during COVID-19”, *Egyptian Streets*, May 1, 2020, <https://egyptianstreets.com/2020/05/01/egypts-hidden-pandemic-domestic-violence-on-the-rise-during-covid-19/>.

<sup>44</sup> “Domestic violence cases jump 30% during lockdown in France,” *Euronews*, last modified March 28, 2020, <https://www.euronews.com/2020/03/28/domestic-violence-cases-jump-30-during-lockdown-in-france>.

<sup>45</sup> Mikhail, “Child marriage,” 46.

<sup>46</sup> Parsons et al., “Economic impacts,” 13.

<sup>47</sup> Samari, “First birth,” 45.

<sup>48</sup> Eltahawy, “Why do”, 65.

a report at the police station is flatly refused by the officers on duty.<sup>49</sup> Cairo is ranked worst for women's safety in a study conducted by Reuters in 2017<sup>50</sup>. Since the 2011 revolution, there has been a lack of public order on Egyptian streets, according to an article published on Arab News. However, several incidents shocked social media users during the past few years, leading to Egyptian policewomen working in a new anti-harassment patrol unit in Cairo since 2018.<sup>51</sup>

According to a 2014 study<sup>52</sup> from Unicef (last modified September 2020), girls who marry early are more likely to experience domestic violence. Azza<sup>53</sup> Abdel Ezzat told her story in 2017 and started as follows: "I was only twelve at the time, and he'd spotted me buying cookies from a small kiosk at the end on the street. When my father told me I had a suitor, I was excited about wearing a long, white dress and wanted to be a bride like the celebrity brides I'd seen in films and drama serials on TV." That she was only twelve and the groom to be in his mid-thirties and that Azza never met him was no reason to refuse the man as a husband.<sup>54</sup>

In addition to domestic violence, child brides run a high risk of pregnancy and birth complications and many other physical and psychological complaints. Furthermore, girls who marry and have children before they reach adulthood and maturity are more likely to suffer from malnutrition. During pregnancy, the girl's body, which is still growing, must compete for nutrients with the fetus on a diet that is already unsuitable for pregnant women.<sup>55</sup> In addition to malnutrition, these girls also suffer more from isolation because they no longer go to school, and their lives mainly take place indoors, which leads to a higher risk of depression. This, in turn, results in a higher level of self-harm and suicide.<sup>56</sup>

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<sup>49</sup> "Egypt 2020," Amnesty International, accessed April 28, 2021, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/>.

<sup>50</sup> Belinda Goldsmith, "Cairo named most dangerous megacity for women," *Reuters*, October 16, 2017, <https://www.reuters.com/article/women-poll-megacities-idAFL8N1L74J3>.

<sup>51</sup> Laila Mohammed, "Sexual harassment in Egypt: A crisis searching for a cure," *Arab News*, July 4, 2020, <https://arab.news/6fgs6>.

<sup>52</sup> "Harmful practices," UNICEF, last modified September 2020, <https://www.unicef.org/protection/harmful-practices>.

<sup>53</sup> I used the story of Azza in my bachelor thesis and here again because it is an excellent example of how child marriage is established in poor communities and how little value the girls' quality of life has.

<sup>54</sup> Shahira Amin, "Egypt moves toward criminalizing child marriage," *Al Monitor*, October 10, 2017, <https://www.al-monitor.com/originals/2017/10/egypt-move-criminalize-child-marriages.html>.

<sup>55</sup> Bhabha et al., "Girl child," 98.

<sup>56</sup> Edmeades et al., "Economic," 17.



## 2.2 Child marriage in Egypt and the underlying causes

In Egypt, just under a million marriages a year are officially concluded,<sup>57</sup> including many child marriages. Child marriage exists if it takes place before the eighteenth birthday of one or both parties. In poor rural areas, these marriages are about three times more common than in urban areas. In addition to the fact that women are seen as inferior to men in some communities, socioeconomic motives also play a significant role. Especially in poor, rural areas, receiving the bride price can be an incentive to marry girls at a young age. Not only is there one less mouth to feed, but money also comes into the parents that can later be used to find a suitable wife for their son.<sup>58</sup>

Currently, the rate of early marriage in Egypt is that 17% of girls in Egypt are married before their eighteenth birthday, and 2% are married before the age of fifteen. Add that childbearing in Egypt begins early and the demographic consequence for society becomes more evident, as there is an association between education, healthcare issues and childbirth at a young age. Also, teenage fertility is a significant health concern because they are at a higher risk of illness and death. Women's access to healthcare in Egypt can be problematic for women for several reasons. They either come from rural areas with no clinics available, or they face other barriers. Women are primarily concerned about a lack of drugs and health providers, followed by getting permission to go for treatment, go alone or no female doctor or nurse, no transport or no money, and no insurance. Few women have health insurance, with the highest coverage levels among women with at least secondary education.<sup>59</sup>

Poverty is a significant driver behind child marriage in Egypt. Not only is the father no longer responsible for feeding and clothing his daughter, but the dowry is also often welcome too. Ironically, this money is usually set aside to find a good marriage match for the sons hoping that the family will also benefit.<sup>60</sup> An article published online on a website from an advocacy movement to empower women in Egypt was summarised as: "Child marriages are sparked by poverty, ignited by sexually sick societies and protected by religious scholars."<sup>61</sup>

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<sup>57</sup> Lolwa Reda, "On marriage and divorce in Egypt," *Egypt Today*, February 28, 2019, <http://www.egypttoday.com/Article/6/66379/On-Marriage-and-Divorce-in-Egypt>.

<sup>58</sup> Mikhail, "Child marriage," 44.

<sup>59</sup> "Demographic Health Survey Egypt," From Ministry of Health and Population by el-Zanaty and Associates, published online May 2015, p. 49-51, 129, <https://dhsprogram.com/pubs/pdf/FR302/FR302.pdf>.

<sup>60</sup> Alsaidi, "What drives," 22-23.

<sup>61</sup> Alexandra Kinias, "Childhood interrupted: Egypt issues a new law to criminalize child marriages," *Women of Egypt Mag*, June 8, 2018, <https://womenofegyptmag.com/2018/06/08/childhood-interrupted-egypt-issues-a-new-law-to-criminalize-child-marriages/>.

Also, it is not only the family's role that influences how marriages are viewed. The expectations of society also play a role in the ideal course of events after the marriage has taken place. Typical of Egypt is that once the marriage is concluded, children must come as soon as possible. While having children may not be something young women look forward to, it gradually changes their marriage status and position within the community. Mothers are given more room to make decisions on their own, especially when it comes to housekeeping. Also, women gain more mobility because they can leave the house more easily, and they receive a limited amount of financial autonomy if, for example, they go to the market to make purchases.<sup>62</sup> However, there are significant regional differences between women in poor, rural areas and women in the Cairo region, but what they have in common is that the value of a woman, once married, is related to her fertility as having children affects the amount of control she can then exercise over her daily activities.<sup>63</sup>

Socioeconomic motives not only play a role in the degree of self-determination of women, the age at which their (first) marriage is concluded also plays a significant role. Women who marry later have, in some cases, more education, which allows them to build up (economic) independence to a certain extent. With better education, women can stand up for their rights when entering the marriage contract because they have more self-esteem and more knowledge of their rights.<sup>64</sup> In addition to having a say in their marriage, it is also physically better for women to marry when they are physically able to have children. Girls who marry as children and have a baby when they are younger than fifteen are five times more likely to die in childbirth than women in their twenties. On the other hand, if young girls survive giving birth, and so do their babies, they are still at greater risk than young women from childbirth complications and subsequent pregnancies from inadequate healthcare and ignorance.<sup>65</sup>

Another form of child marriage in Egypt is the phenomenon of so-called summer brides,<sup>66</sup> a soothing word for child prostitution. Summer brides can be viewed as an economic transaction

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<sup>62</sup> Samari, "First birth," 46.

<sup>63</sup> Samari, "First birth," 53.

<sup>64</sup> Yount et al., "Women's age," 126.

<sup>65</sup> Mutyaba, "Early marriage," 348.

<sup>66</sup> I used articles and reports from NGO's for the section of summer brides I also used for my bachelor thesis; mainly because reports are not written each year by organisations as UNICEF and no new data was available as most of them are less than five years old. If changes occurred in statistics and such, it has been adjusted.

where parents decide to pair their daughter with a wealthy, older man through an intermediary. The men are predominantly from the Gulf States and Saudi Arabia and often in Egypt on holidays. They temporarily marry a young girl while on holiday, often bringing their families with them for the summer. The girl's family receives compensation. The girl is then transferred for a specified period to her temporary "husband", who can rent an apartment or book a hotel room for the two of them thanks to the marriage contract. If the man leaves after a day or a week or a month, the contract is torn, and the girl is left empty-handed, ready to be temporarily married off again.<sup>67</sup>

Before the summer wedding can be concluded, the tourist must look for an intermediary who is aware of his desire to find a girl with whom he wants to have a sexual relationship. This intermediary can be a lawyer, but also a taxi driver or a caretaker.<sup>68</sup> Once he is aware of the man's wishes regarding the girl's physical characteristics and age, he sets out to find a family with daughters who meet the requirements. Contact is made, and the tourist can see and speak to some girls before making his choice. The family then informs the girl that she has been chosen, and she is urged to agree. The tourist then visits the family with the intermediary to discuss the conditions and sign the contract. The deposit to the family is then made, and the girl is taken to a hotel or apartment that has been rented. It is then up to the tourist to determine how long the "marriage" will last before ending it by travelling back to his country of origin. Often the real name and nationality of the tourist are not known to the family, which is problematic with pregnancies. In Egypt, a newborn baby can only be registered at the registry office by the father or a male relative of the father, whereby a valid marriage contract is required.<sup>69</sup>

Some of the summer brides come from the poverty-stricken suburbs of Cairo, but what is striking is that two specific places are also regularly mentioned: the city of El Hawamdia and Darasa, a small village near that city. Research has been conducted in Darasa to gain insight into what factors play a role in the summer bride phenomenon. Darasa is a poor village where people earn their living by working in a nearby town's sugar factory. An attempt is made to supplement income by selling dairy products, but this generally does not yield enough to create a better life. There are indications that the socioeconomic position of the people of Darasa

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<sup>67</sup> Unicef, Report on child marriage in the Middle East and North Africa, p. 49.

<sup>68</sup> Interview with Salma Kamal el-Fawal, Dutch Embassy Cairo, May 14, 2018, PhD Street children in Egypt.

<sup>69</sup> Soliman et al., "Is tourism," 127.

plays a role in the phenomenon of summer brides. As part of the research project in Darasa, 42 parents were interviewed to find out how the agreement is made and how to get around the legal and traditional way of contracting a marriage.<sup>70</sup>

The parents seem to realise that it is human trafficking, and the contracts are often signed behind closed doors to keep the news of the agreement in secret and the neighbourhood not aware of the increase in the family's income.<sup>71</sup> The parents use the Sharia to justify their actions, the importance of having reached puberty is pointed out, but no specific age is mentioned.<sup>72</sup> The argument used by parents to approve marriage and give it a religious basis is that when the rules were set in Islamic law, no written contracts were involved. The way out that is used is possible within family law in Egypt because it can deviate from civil law and use Islamic law.

The study showed that certain factors are shared among the families that participated in the study. These are often large families with additional family members living with a low income and little or no education. The parents do not seem aware of the effect of the short-lived marriages on their daughters, and the girls should not expect much from the community. In El Hawamdia, a subculture seems to have emerged in which temporary child marriage is seen as something that is not only legitimate but also acceptable. The same applies to "normal" child marriages in Egypt: because there is often little money and many children in a family, girls may be seen as something that can be traded to generate money. It shows that women and girls are at greater risk because of their lower position in society, and their well-being is less important.

### **2.3 The law in Egypt versus everyday life**

"The legal age of marriage registration in Egypt is set at eighteen years. Yet, without criminalising the perpetrators, girls are still getting married without registering or reporting their marriages, or registering their children born out of these marriages."<sup>73</sup> Child marriage is not a rare phenomenon in Egypt, the most populous country in the Arab part of the Middle

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<sup>70</sup> Soliman et al., "Is tourism," 122.

<sup>71</sup> Soliman et al., "Is tourism," 128.

<sup>72</sup> Soliman et al., "Is tourism," 129.

<sup>73</sup> Unicef, "Policy for action," accessed June 10, 2021, <https://www.unicef.org/egypt/sites/unicef.org.egypt/files/2018-06/Child%20Marriage%20Policy%20Brief%20EN%20FINAL.PDF>.

East, with an estimated population of nearly over 100 million.<sup>74</sup> It is also a developing country with significant differences between the city and the countryside. About 30 million people in Egypt live below the poverty line, with Oxfam-Novib estimating that about 2 million people live on less than \$1 a day.<sup>75</sup> So it comes as no surprise that socioeconomic conditions play an essential role in child marriages, as self-determination among women in Egypt is related to the socioeconomic class in which women find themselves. Richer women often have a good education and a job, which means that there are significant differences between, for example, the elite in Cairo compared to women from lower socio-economic groups in the countryside. Complicating are the legal loopholes in Egypt: family law is still the domain of Islamic law, Sharia. Courts can fall back on Sharia if they feel that there are no sufficient or clear civil law regulations for the specific case they are dealing with.<sup>76</sup> The influence of religious fundamentalism has also played a role in recent years.<sup>77</sup>

The above is also described in the 2018 UNDP<sup>78</sup> report: Egypt Gender Justice & the Law. This country profile analyses the relationship between criminal law, domestic violence, and the influence on gender inequality. The study was conducted based on a literature review of various laws, regulations, and policies. A total of 23 laws were discussed in the UNDP report, divided into three categories. The largest group are the laws that fall under criminal laws. They provide a good insight into the problems faced by women and clarify why child marriages are still common and the consequences girls suffer from early marriages are hardly punishable by law.

The first problem women encounter is that there is no law on domestic violence. Domestic violence offences may be punishable under the Penal Code and Law no. 6 of 1998, but only if the battery exceeds the accepted limits of discipline, to be decided by the judge, and if the injuries are visible when filing the complaint at the police station. Keeping in mind that women need the permission of their husbands to leave the house, it is understandable that many cases of abuse are never reported or recorded. Marital rape is also not criminalised; it is not considered a crime under the constitutional principle that there is no crime and no

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<sup>74</sup> "Population Egypt," Egypt Data Portal, accessed April 28, 2021, <http://egypt.opendataforafrica.org/tadpaqg>.

<sup>75</sup> "Egypte: mensenrechten en vrouwenrechten," OXFAM, accessed April 28, 2021, <https://www.oxfamnovib.nl/dit-doen-wij/over-oxfam-novib/landen/egypte>.

<sup>76</sup> Jansen, "Muslim brides," 209.

<sup>77</sup> Jansen, "Muslim brides," 181.

<sup>78</sup> United Nations Development Programme, New York, USA in collaboration with the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), the United Nations Population Fund (UNFPA) and the United Nations Economic and Social Commission for West Asia (ESCWA).

punishment if the couple is wed. When marriage and divorce are concerned, women do not enjoy equal rights in marriage and divorce. The Personal Status Law for Muslims provides that men have a right to divorce by repudiation without resorting to the court. On the other hand, women have access to limited types of divorce that can only be obtained from a court. Another issue women face is male guardianship over women. For Muslim marriages, judges are required to regard the Hanafi fiqh, under which the guardian's consent is not a strict requirement if the woman is a rational adult. However, the guardian may object to the marriage on limited grounds.<sup>79</sup>

For women in Egypt, equality is still far away, and by not criminalising domestic violence, women are at risk. Daily News Egypt<sup>80</sup> noticed a rise in gender-based crimes in Egypt in 2020. The COVID-19 pandemic attributed to the increase, but data collected showed that most women were killed in an attack of domestic violence. Also, women's organisations in Egypt have spoken out sharply recently over a proposed bill that will amend the personal status law and influence women's rights and responsibilities concerning marriage and divorce. The Egyptian Centre for Women's Rights were among the organisations signing the statement, saying they were rejecting the draft law as it would take them back 200 years in time.<sup>81</sup>

Last December, the Egyptian government announced a series of laws. They claim that the marriage laws will be amended with minimum age and extending penalties that will include fathers or other male guardians that marry off girls too early. However, time has to reveal whether it will help close all the loopholes in Egypt to conduct a child marriage or end the practice of summer brides, as the existing law already requests both parties to be eighteen to register for marriage.<sup>82</sup>

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<sup>79</sup>“Egypt Gender justice and the law,” UNFPA, UNDP and UN Woman, published 2018, <https://www.undp.org/content/dam/rbas/doc/Gender%20Justice/English/Full%20reports/Egypt%20Country%20Assessment%20-%20English-min.pdf>, p.9.

<sup>80</sup> Nihal Samir, “Egypt sees gender-based violent crimes rise to 415 during 2020: Edraak Foundation,” *Daily News Egypt*, February 2, 2021, <https://dailynewsegypt.com/2021/02/04/egypt-sees-gender-based-violent-crimes-rise-to-415-during-2020-edraak-foundation/>.

<sup>81</sup> “Egypt: Sharp criticism over law change limiting women's rights,” *Al Jazeera*, March 3, 2021, <https://www.aljazeera.com/news/2021/3/3/egypt-proposed-personal-status-law-sparks-sharp-debate>.

<sup>82</sup> Tara Kavalari, “Egypt to stiffen child marriage penalties,” *The Media Line*, December 3, 2020, <https://themedialine.org/by-region/egypt-to-stiffen-child-marriage-penalties/>.

## 2.4 Summary

The position of women in Egyptian society depends on what is decided for them by the head of the family, being their father or another male guardian. Gender inequality is high in Egypt, and despite efforts, the gap between men and women does not seem to be narrowing. The COVID-19 pandemic has increased rather than decreased domestic violence, and especially girls from poor rural areas who are child brides are at risk. Besides 'normal' child marriage, Egypt also is known for the phenomenon of summer brides, short term marriages between often very young girls and male tourists spending the summer in Cairo or Alexandria with their families. Poverty is the main driver for both types of marriage in Egypt; in the impoverished outskirts of Cairo, families have to do with less than \$2 per day, and each daughter represents a new floor on the building or a car to be fixed. Furthermore, legislation in Egypt does not help women (yet). Under criminal law, domestic violence or marital rape is currently not punishable. Women suffer from health issues, physical problems, lack of education, and no economic empowerment as their husbands can decide everything.

### 3 Case Study: Turkey

"Even today, we saw a 17-year-old who is pregnant and already has a child."<sup>83</sup>

In Turkey, marriage legislation is more complicated than in Egypt, partly because there are more exceptions to the rule. Turkey's legal age of marriage is eighteen,<sup>84</sup> though the law also allows seventeen-year-olds to marry if their parents or guardians give their consent.<sup>85</sup> Although the legal age to be considered an adult is set at eighteen in Turkey,<sup>86</sup> it is possible to get married aged sixteen with specific court permission "under exceptional circumstances and on vital grounds",<sup>87</sup> yet it remains unclear what these vital grounds are.

#### 3.1 The position of women in Turkey

In 2014 UNICEF estimated that Turkey is among countries with a high rate of child marriage; they estimated that approximately 16% of the girls are married before turning eighteen.<sup>88</sup> Unfortunately, it is difficult to gather accurate data as child marriage occurs behind closed doors, as they are not officially registered.<sup>89</sup> Nevertheless, this same country was described by UNICEF in their annual report in 2019 as "... an upper-middle-income country with substantial capacities to uphold child rights and to contribute to child rights beyond its borders."<sup>90</sup>

In 2014, Turkish President Recep Tayyip Erdogan was quoted by the BBC that women are not equal to men, and as such, they cannot be treated equally. In his view, the BBC wrote, feminists reject motherhood and do not see its importance in Islam. Before this provocative statement, Erdogan already stated that women should have at least three children and spoke

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<sup>83</sup> Huda, a UNFPA midwife in the Hayati Harrani women's and girl's safe space.

<sup>84</sup> "Family Law in Turkey overview," Thomson Reuters Practical Law, accessed March 15, 2021, [https://uk.practicallaw.thomsonreuters.com/6-616-4228?transitionType=Default&contextData=\(sc.Default\)&firstPage=true#co\\_anchor\\_a919697](https://uk.practicallaw.thomsonreuters.com/6-616-4228?transitionType=Default&contextData=(sc.Default)&firstPage=true#co_anchor_a919697).

<sup>85</sup> Ibid.

<sup>86</sup> "European commission for democracy through law," Council of Europe, p.3, accessed March 15, 2021, [https://www.legislationline.org/download/id/6453/file/Turkey\\_CC\\_2004\\_am2016\\_en.pdf](https://www.legislationline.org/download/id/6453/file/Turkey_CC_2004_am2016_en.pdf).

<sup>87</sup> "Child marriage," UNICEF, accessed March 15, 2021, <https://www.unicef.org/turkey/en/child-marriage>.

<sup>88</sup> Gulsah Cetin, "Rememberings of Adult Women Who Are Child Brides in Turkey through the Lens of Feminist and Social Learning Theories: A Phenomenological Inquiry," (PhD diss., Barry University, 2020), 2-3.

<sup>89</sup> Cetin, "Rememberings," 17.

<sup>90</sup> "Turkey Annual Report 2019," Turkey-Unicef Country Programme, accessed 23 April 2021, <https://www.unicef.org/turkey/media/10456/file/UNICEF%20Annual%20Report%20-%202019.pdf>.



out against abortion and Caesarean section.<sup>91</sup> This is problematic as one of the consequences of early marriage is young girls becoming pregnant and giving birth too young.

Research showed that girls who married before they reached adulthood suffer more from physical and psychological illness. Gök<sup>92</sup> refers to a study by Derman<sup>93</sup> in which the effect of early marriage is discussed and how the stages of development differ between boys and girls. To become an adult who can be sexually active and have children, one needs to develop physically, mentally, and psychosocially; girls who are married before they are fully developed risk various health problems. The most severe physical problems they encounter occur when giving birth too young. They are pregnant too frequently, suffer from sexually transmitted diseases and often have difficulties giving birth, this leading to haemorrhage, complications, and even maternal deaths.<sup>94</sup> What is vital for girls is improving their quality of (marital) life, but hardly any research is done. A recent study on the marital adjustment scale<sup>95</sup> was done in 2018 and included 246 women admitted to the Obstetrics and Gynaecology Clinic, all married before their eighteenth birthday.<sup>96</sup> The study showed that one out of every ten girls were married in early adolescence, aged between twelve and fourteen. Researchers discovered two crucial factors that play an essential role in marital adjustment: Firstly, if the number of pregnancies is low, then the marital adjustment will increase. Second, there is a significant relationship with domestic violence. Abused women experience more negative communication with their husbands and a lower level of commitment to the marriage.<sup>97</sup>

A year after Erdogan's controversial statements, women took to the streets in mass protests. Social media such as Twitter was taken over by the hashtag #sendeanlat - "tell your story" - to share their experiences of violence and discuss it in public.<sup>98</sup> The murder of a

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<sup>91</sup> "Turkish president Erdogan: Women are not equal to men," *BBC News*, November 24, 2014, <https://www.bbc.com/news/world-europe-30183711>.

<sup>92</sup> Gök, "Child marriages," 2226.

<sup>93</sup> This study by Derman is only available in Turkish and therefore I refer to Gök. This is the study from Gök's bibliography: Derman, O. (2008). Ergenlerde Psikososyal Gelişim. *Cerrahpaşa Tıp Fakültesi Sürekli Tıp Eğitimi Etkinlikleri. Sempozyum Dizisi*, No. 63, s. 19-21.

<sup>94</sup> Gök, "Child marriages," 2227.

<sup>95</sup> The Locke-Wallace Marital Adjustment Test (1959) is a measure of general marital quality or satisfaction, as well as a measure of agreement or disagreement on common issues that cause conflict for couples.

<sup>96</sup> Durgut, "Predictors," 671.

<sup>97</sup> Durgut, "Predictors," 674.

<sup>98</sup> A few random examples when searching on the hashtag are:

<https://twitter.com/sendeanlatmap/status/1367166019047948289?s=21>;

<https://twitter.com/efekerem/status/1363255452239355907?s=21>;

<https://twitter.com/gonulluatolye/status/1342162788240789508?s=21>

nineteen-year-old woman named Özgecan Aslan<sup>99</sup> sparked outrage; a Turkish university student murdered on 11 February 2015 while resisting attempted rape. Human rights organisations speak of an increase in violence against women since Erdogan came to power and linked this partly to his statements that legitimise that violence.<sup>100</sup> Professor Karen Barkey<sup>101</sup> sees "evidence of a new religious conservatism"<sup>102</sup> that makes life more difficult for women in modern-day Turkey. There is a clash between people who have moved from the countryside to the city and whose expectations and vision of life do not coincide with the modern, secular population found in the cities.

Domestic violence is encountered by many women worldwide, and Turkey is no exception. A field study in Turkey from 2007<sup>103</sup> shows that several factors play a role in domestic violence, especially wife abuse. Economic problems and psychological issues are among the reasons, and according to this study, roughly 35% of the women think they deserve a beating due to their behaviour. On the other hand, men's tolerance of beating their wives is higher; 64% of men considered it a proper way to behave towards their wives, although their children are affected by domestic violence. Furthermore, younger women and less educated women are more at risk to face (domestic) violence than widows or older women.<sup>104</sup>

According to human rights activists, the next blow to women was the marriage law amendment in 2017. The new law gives Muslim clerics the space to perform marriages and is seen as an attempt to make religious norms and values more visible within the highly polarised society. It was already clear that the law would pass through; a month earlier, according to an article in the Guardian, Erdogan had announced that whether people liked it or not, the change would be implemented. Proponents of the law say that the need for legal civil marriage has not changed and that no loophole has been created that leads to more child marriages. Opponents say that this is the case because people who see religious marriage as more important than civil

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<sup>99</sup> "Murder of Özgecan Aslan," Wikipedia, last modified February 27, 2021, [https://en.wikipedia.org/wiki/Murder\\_of\\_Özgecan\\_Aslan](https://en.wikipedia.org/wiki/Murder_of_Özgecan_Aslan).

<sup>100</sup> "Is life getting worse for women in Erdogan's Turkey?" *BBC News*, March 4, 2015, <https://www.bbc.com/news/world-europe-31709887>, last visited 22 April 2021.

<sup>101</sup> Professor of sociology and history at Columbia University in New York, who publishes mostly about the Ottoman Empire.

<sup>102</sup> "Is life getting worse for women in Erdogan's Turkey?" *BBC News*, March 4, 2015, <https://www.bbc.com/news/world-europe-31709887>, last visited 22 April 2021.

<sup>103</sup> Erselcan et al., "Domestic violence," 700.

<sup>104</sup> Erselcan et al., "Domestic violence," 710.

marriage can now more easily marry minors if a Muslim cleric is willing to cooperate.<sup>105</sup> This is linked to the envisions on women closely connected to religious beliefs in Muslim societies,<sup>106</sup> such as Turkey, and among Islamic scholars, there is support for child marriage. An important verse (4:6)<sup>107</sup> in de Quran is often used for justification: "Prove orphans till they reach the marriageable age; then, if ye find them of sound judgment, deliver over unto them their fortune; and devour it not by squandering and in haste lest they should grow up whoso (of the guardians) is rich, let him abstain generously (from taking of the property of orphans); and whoso is poor let him take thereof in reason (for his guardianship). And when ye deliver up their fortune unto orphans, have (the transaction) witnessed in their presence. Allah sufficeth as a Reckoner". This verse and interpretation of hadiths are the basis Muslim scholars rely on, although many scholars argue that girls should have reached puberty before they can be wed.<sup>108</sup>

According to an article in a Dutch newspaper, "we will not obey"<sup>109</sup> was chanted through Istanbul's streets by Turkish women after the government withdrew from the Istanbul Convention on 20 March 2021.<sup>110</sup> The four pillars of the Istanbul Convention<sup>111</sup> are prevention, protection, prosecution and coordinated (EU) policies to act against violence against women and domestic violence. Preventing violence against women can save lives and suffering, and the Convention took it one step further: it calls on all members of society, particularly men and boys. Gender equality is one of the most important goals to achieve; only in this way can the pattern of (domestic) violence based on misogyny be broken.

One goal set to achieve was to set up sufficient shelters for women who were not safe in their own homes; this has not gotten off the ground under pressure from religious parties

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<sup>105</sup> Kareem Shaheen, "Turkish marriage law a blow to women's rights, says activists," *The Guardian*, November 14, 2017, <https://www.theguardian.com/world/2017/nov/14/turkish-marriage-law-a-blow-to-womens-rights-say-activists>.

<sup>106</sup> Wodon, "Islamic law," 89.

<sup>107</sup> "An Nisa," Quran, accessed 26 April 2021, <https://quran.com/4/6?translations=19>.

<sup>108</sup> Wodon, "Islamic law," 87.

<sup>109</sup> Toon Beemsterboer, "'Wij zullen niet gehoorzamen', roepen Turkse vrouwen," *NRC.nl*, March 21, 2021, <https://www.nrc.nl/nieuws/2021/03/21/wij-zullen-niet-gehoorzamen-a4036666>.

<sup>110</sup> Basak Çali, "Withdrawal from the Istanbul Convention by Turkey: A testing problem for the Council of Europe," *Blog of the European Journal of International Law*, March 22, 2021, <https://www.ejiltalk.org/withdrawal-from-the-istanbul-convention-by-turkey-a-testing-problem-for-the-council-of-europe/>.

<sup>111</sup> "The four pillars of the Istanbul convention," Council of Europe Convention on preventing and combating violence against women and domestic violence, COE, last modified 9 April 2021, <https://rm.coe.int/coe-istanbulconvention-brochure-en-r03-v01/1680a06d4f>.

and organisations in Turkey. They argue that the family is the cornerstone of society, and the facilitation of shelters is the opposite, even though femicide<sup>112</sup> usually takes place in the relational sphere.<sup>113</sup> The following paragraph will elaborate on the underlying causes of early marriage in Turkey.

### 3.2 Child marriage in Turkey and the underlying causes

The rate of child marriage in Turkey is high, although there is a lack of accurate data as many marriages are not officially registered, or dates of birth from girls are false.<sup>114</sup> Following the amendment of the marriage law in 2017, a new religious document sparked another outburst of (female) anger and had Turkey's main opposition party calling for a parliamentary inquiry. *Diyanet*<sup>115</sup> posted a statement online with the claim; according to BBC News, it was only defining points of Islamic law. The issues they emphasise from Islamic law on their website were about adolescence; for boys, this starts at twelve and girls nine years old. This followed by a statement that an adolescent had the right to marry. In addition to changing the law, a nine-year-old can marry without breaking Islamic law. Because an attempt had already been made in 2016 to pardon men who had been convicted for sexual intercourse with a minor if they married the girl, this statement caused much unrest among secular Turks and directly opposed fellow citizens who favour religious conservatism.<sup>116</sup>

A recent study from 2018 shows that girls from a poor and rural background, many illiterate, are overrepresented in statistics and score higher on the marital adjustment score.<sup>117</sup> Problematic is that especially girls are seen as a burden due to poverty. They need to be fed and clothed but are also responsible for the honour of their family. If a dowry is offered to the girl's family, this can be an incentive for parents to marry them off too early due to a deficiency of food and material necessities.<sup>118</sup> Poverty as a socioeconomic factor leading to marriage is

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<sup>112</sup> "Femicide," Wikipedia, last modified April 16, 2021, <https://en.wikipedia.org/wiki/Femicide>.

<sup>113</sup> "The convention in brief," Istanbul Convention, Council of Europe, [https://www.coe.int/en/web/istanbul-convention/the-convention-in-brief#{"11642062":1}](https://www.coe.int/en/web/istanbul-convention/the-convention-in-brief#{).

<sup>114</sup> Cetin, "Rememberings," 17.

<sup>115</sup> Diyanet İşleri Başkanlığı, the Directorate of Religious Affairs. State body that administers religious institutions and education.

<sup>116</sup> "Turkish child marriage religious document sparks anger," *BBC News*, January 3, 2018, <https://www.bbc.com/news/world-europe-42558328>.

<sup>117</sup> Durgut et al., "Predictors," 674.

<sup>118</sup> Durgut et al., "Predictors," 671.

also mentioned in Gök's article. Although it is pointed out that the causes of child marriage differ between cultures, there are six leading causes she states:

1. Socioeconomic causes such as poverty and welfare level
2. Low education level
3. Cultural structures such as traditions, customs, and religious beliefs
4. Gender as in women's conditioning to become a wife and mother
5. Domestic violence
6. Immigration but also transferring rural values to cities

From these six underlying causes, poverty and lack of education contribute most to the high numbers of early marriage in East and Southeast Turkey, according to Gök.<sup>119</sup>

Immigration, the sixth cause, is recently linked to Syrian refugees in a study that shows that besides "normal" child marriage in Turkey, the phenomenon is increasing among Syrian refugees.<sup>120</sup> Syrian refugee children are more vulnerable, and they suffer not only from health risks due to dire circumstances, but also their psychosocial well-being is affected. Malnutrition due to poverty, crowded housing, and inadequate facilities for washing as poor living conditions take their toll.<sup>121</sup> Refugee children have been exposed to traumatic experiences during the war and their flight from Syria, affecting how parents treat their children. Child marriage was already prevalent in Syria before the war started, but the occurrence increased from 13% to 35% of underaged girls getting married. It is not easy to access accurate statistics, but lately, scholarly studies show child marriage under Syrian refugee children in Turkey as a severe problem. What must be kept in mind with these marriages is that parents are not bad for their daughters on purpose when they marry them off at a young age; they often try to survive, and the money parents receive for the girls helps them provide for the rest of their family. Also, they seem to hope that the girls' family is better off and can therefore provide for their daughters while giving them a better economic perspective.<sup>122</sup>

It is fair to argue that decade of conflict takes its toll on women and girls; in the desert city of Sanliurfa in Turkey, some 475,000 Syrians have taken refuge under poor circumstances. Besides academics, newspapers and non-governmental organisations also pay more attention

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<sup>119</sup> Gök, Child marriages," 2224.

<sup>120</sup> Acarturk et al., "Vulnerabilities," 2.

<sup>121</sup> Acarturk et al., "Vulnerabilities," 3.

<sup>122</sup> Acarturk et al., "Vulnerabilities," 5-6.

to the girls in refugee camps. Their conclusions do not vary much from the earlier mentioned articles; they also point out that child marriage is not just religion or tradition but also economics. People who cannot take care of their children hope that their daughters will be safe and fed when married. This leads to girls as young as fourteen coming to the clinic for maternal care as teenage pregnancies can be dangerous. Midwives working in the clinic are afraid that the number of girls in underaged marriage is much higher; many do not go to the clinic as their marriage is unregistered and illegal, and they do not want to get caught. New regulations of having to register the mother's birth date seem to drive the girls underground.<sup>123</sup> The COVID-19 pandemic also plays a role in the marriage of underage Syrian girls to Turkish men; a new report by ECPAT<sup>124</sup> shows that a lack of money for parents is a significant motive for marrying off or giving away their daughters in exchange for a roof over their heads.<sup>125</sup>

### 3.3 The law in Turkey versus everyday life

Turkey has several separate family courts as there are different fields of expertise required for family law proceedings.<sup>126</sup> In addition, they handle religious matters for Muslims only, such as betrothal, marriage, divorce, and decisions on custody of the children and registration of charitable endowments.<sup>127</sup> Turkey's penal code is also available online through the Venice Commission of the Council of Europe.<sup>128</sup> It is categorised differently from the Egypt Law Report and provides an overview of the sentences related to various crimes. Another source of information is UNICEF,<sup>129</sup> which has a Turkey partnership with the Ministry of Family, Labour and Social Services.

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<sup>123</sup> "In Turkey, refugee child marriages drive adolescent pregnancies underground," UNFPA, last modified July 26, 2021, <https://www.unfpa.org/news/turkey-refugee-child-marriages-drive-adolescent-pregnancies-underground>.

<sup>124</sup> "Turkey Country Overview, ECPAT, last modified July 2020, <https://www.ecpat.org/wp-content/uploads/2020/07/ECPAT-Country-Overview-Report-Sexual-Exploitation-of-Children-in-Turkey-July-2020-ENGLISH.pdf>.

<sup>125</sup> Maya Oppenheim, "Syrian families in Turkey marrying off 'underage daughters for money amid coronavirus crisis', campaigners warn," *The Independent*, July 8, 2020, <https://www.independent.co.uk/news/world/europe/syria-underage-daughters-marriage-coronavirus-turkish-men-a9606706.html>; Leah Rodriguez, "Child marriage is on the rise in Turkey as Syrian refugees struggle during COVID-19," *Global Citizen*, July 8, 2020, <https://www.globalcitizen.org/en/content/child-marriage-syrian-refugees-turkey-covid-19/>

<sup>126</sup> Thomson Reuters, "Family Law".

<sup>127</sup> "Turkish Family Courts," Chapter 338 of the Laws, accessed June 14, 2021, [https://www.sbaadministration.org/home/legislation/01\\_02\\_09\\_01\\_COLONIAL\\_CAPS\\_1959/01\\_02\\_01\\_07\\_Caps-308-354/19600101\\_CAP338\\_u.pdf](https://www.sbaadministration.org/home/legislation/01_02_09_01_COLONIAL_CAPS_1959/01_02_01_07_Caps-308-354/19600101_CAP338_u.pdf).

<sup>128</sup> "Definition minor," Council of Europe p.3, accessed March 15, 2021, [https://www.legislationline.org/download/id/6453/file/Turkey\\_CC\\_2004\\_am2016\\_en.pdf](https://www.legislationline.org/download/id/6453/file/Turkey_CC_2004_am2016_en.pdf).

<sup>129</sup> "Child marriage," UNICEF, accessed April 23, 2021, <https://www.unicef.org/turkey/en/child-marriage>.

Child marriage can legally be seen as forced marriage but finding a legal explanation with worldwide consensus is difficult. In 2005, the Council of Europe carried out a study. They came up with the following definition for forced marriage to be used as an umbrella term to cover the phenomenon: “Slavery, arranged marriage, traditional marriage, marriage for reasons of custom, expediency or perceived respectability, child marriage, early marriage, fictitious, bogus or sham marriage, marriage of convenience, unconsummated marriage, putative marriage, marriage to acquire nationality and undesirable marriage – in all of which the concept of consent to marriage is at issue.”<sup>130</sup> This approach is the background of an article about Turkey, child marriage and the law. Most of the society in Turkey defines themselves as Muslims, and therefore the act of marriage as a manifestation under Islamic Law is still applicable for people and part of daily life.<sup>131</sup>

According to Islamic Law, the minimum age for marriage was nine for girls and twelve for boys; these were the set ages for puberty reached, and younger was not allowed. The Turkish Civil Code was adjusted in 2002, and the minimum age for marriage changed to eighteen for both parties. In modern-day Turkey, marriage is described as a mutual and verbal agreement but given by one’s free will and full consent. The loophole remains a marriage approved by the court due to exceptional circumstances, but even then, girls are not to be younger than sixteen. These marriages are the only officially recognised and registered marriages.<sup>132</sup>

In practice, girls in rural areas, especially the eastern part of Turkey, have no say whom they marry or when. The family's honour is linked to their behaviour, and under pressure from societal norms, they must marry their parent’s choice of husband. The family's reputation is of the utmost importance, and therefore girls are to be wed before they can be involved in romantic affairs. As Apaydin writes in his article, “... their virginity is a matter of life and death,” and these social norms lie underneath the practice of forced marriage. Still, it is essential to realise that this is not the only important factor.<sup>133</sup>

Socioeconomic factors also play a significant role in early marriage, not only in rural areas but also in cities. The Ministry of Family and Social Policies conducted a survey, and 15.6%

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<sup>130</sup> Apaydin, “Unacceptable,” 32.

<sup>131</sup> Apaydin, “Unacceptable,” 41.

<sup>132</sup> Apaydin, “Unacceptable,” 42-45.

<sup>133</sup> Apaydin, “Unacceptable,” 46-47.

of the marriage arrangements are based on a dowry to be paid to the girl's family. In the earlier mentioned Eastern part of the family, this number increases to 43%. According to Apaydin, this practice of dowry takes away all (human) rights from the girls involved, and they become a commodity to be traded to the highest bidder. The agreement the father makes for his daughter binds the girl to a man she hardly knows but must obey and give up her control over her sexuality and fertility as that comes as a part of the deal from her side. In Turkey, predominantly rural areas, this practice of dowry increases the risk of girls marrying an older man because of the economic dimension. Most marriages take place without the consent of the girls involved, and it is fair to argue that they are married off for money.<sup>134</sup>

In addition to the economic dimension is endogamy; one out of five of all marriages in Turkey are consanguineous, marriage between close biological kin.<sup>135</sup> The reason more prosperous families force their children to marry their cousins is the idea that, in that case, the wealth is kept within the family. Also, the union between relatives is thought to be stronger because of shared family values. The requested dowry is usually not as high as it is with strangers as the money will not leave the family.

The latest change in the Turkish marriage law that allows Muslim clerics to conduct a civil marriage<sup>136</sup> is considered dangerous for women's rights, especially child marriage. People may consider a religious marriage more important than a civil marriage. Combined with the refugee child marriage on the rise and the struggle with the COVID-19 pandemic,<sup>137</sup> the gap between what is allowed by law versus daily life practice seems to be growing.

### 3.4 Summary

Girls that are child brides in Turkey face several problems. Their right to education is obstructed, they suffer from health and psychological issues, and their human rights are violated as they cannot and do not give their consent to the marriage out of their free will. Also, as soon as girls are married, they face domestic violence, rape within marriage and the risk of having too many children too quickly at a too young age. The most important causes of child marriage in Turkey are socioeconomic due to poverty and, linked to that, low levels of

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<sup>134</sup> Apaydin, "Unacceptable," 46-48.

<sup>135</sup> Alan H. Bittles and Anand K. Saggur, "Consanguinity and child health," *Paediatrics and Child Health* 18, no. 5 (May 2008): 244.

<sup>136</sup> Shaheen, "Turkish marriage."

<sup>137</sup> Rodriguez, "Child marriage."



education. Furthermore, sociocultural factors play a role, and the family's honour is connected to the virginity and behaviour of the girls.

There is a difference between rural areas and cities, but early marriage happens all over Turkey in wealthy and low-income families alike, although the motives between these two differ. Syrian refugees and the COVID-19 pandemic also add to the increasing figures in early marriage and domestic violence. In general, it is fair to argue that although Turkey supports child's rights on both a national and an international level, there are several loopholes in the law to bypass the Turkish Penal Code. Although early marriage is a human rights violation, due to the special court arrangements, girls can still marry aged sixteen without having a say in the process while it is still legal. The marriage law change has caused opponents to fear that it will be abused, and only religious marriage is now seen as binding, too now Muslim clerics can conduct a civil marriage. The idea is that people will register this marriage officially, but if they do not, it opens to door to child marriage, which will take place out of sight.

#### 4 Case Study: United States of America<sup>138</sup>

"I've had legislators looking at me and saying you know, 'Joseph married Mary when she was 8. If it was good enough for God, why isn't it good enough for us?'"<sup>139</sup>

Contrary to what one might think about a modern and - on paper - one of the world's wealthiest countries, collecting data on child marriages is particularly difficult in the USA. Weddings are not registered nationally, but also not everything is organised per state, so the available data depends on data provision per county. The county decides what is reported and the States whether they collect and combine the data for statistics. One of the latest studies on child marriage in the USA was conducted by *Unchained At Last*,<sup>140</sup> an organisation dedicated to eliminating child marriage in the USA. The study was funded by the Bill & Melinda Gates Foundation and carried out in collaboration with McGill University, among others.<sup>141</sup>

##### 4.1 The position of women in the USA and consequences of early marriage

Legally, women's position is equal to men in the USA. On paper, that is because, in the field of women's rights, the USA still has a few things to ratify. Internationally, the UN's Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) has never been ratified by the USA, although they played an essential role in drafting the treaty.<sup>142</sup> Nationally, the Equal Rights Amendment<sup>143</sup> (ERA) has been ratified by 37 states as of March 2019 and was designed to guarantee equal legal rights for all American citizens regardless of sex. All other states must either approve it or withdrew the ratification. The problem in the USA is more significant than the non-ratification of CEDAW and ERA. A bill that proposed ending child marriage in Idaho in 2020 did not pass the statehouse as Republican lawmakers opposed it. Bryan Zollinger was quoted saying, "it went too far," yet Idaho has the highest rate of child marriages in the USA.

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<sup>138</sup> I will refer to the United States of America in the text as USA.

<sup>139</sup> Daniele Selby, "Child marriage is legal in the US. Here's how you can help end it." *Global Citizen*, September 3, 2019.

<sup>140</sup> "United States' child marriage problem, *Unchained At Last*, last modified April 2021, <https://www.unchainedatlast.org>.

<sup>141</sup> Full overview of *Unchained at Last*'s partners in this study: <https://www.unchainedatlast.org/united-states-child-marriage-problem-study-findings-april-2021/#appendixa>, last modified April 2021.

<sup>142</sup> "Cedaw," Status of ratification interactive dashboard, UN Human Rights, last modified February 9, 2021, <https://indicators.ohchr.org>.

<sup>143</sup> "Ratification per state," ERA, accessed April 29, 2021, <https://www.equalrightsamendment.org/era-ratification-map>.

The bill recommended setting the minimum age at sixteen, but Zollinger, a GOP<sup>144</sup> lawmaker, stated that "... basically marriage is a contract between people that shouldn't require government permission."<sup>145</sup>

All that is needed to conduct a marriage with an underage girl is, in most states, parental consent. Furthermore, as there are no laws that call for an investigation of whether the girl is marrying out of her free will or is coerced by her parents, clerks have no authority to intervene, not even in the case of a girl crying while her parents sign the necessary paperwork.<sup>146</sup> Ironically enough, a girl who can marry aged eleven cannot sign her marriage certificate because she is underaged. However, if a judge will not give his consent for marriage when the girls are aged fourteen or younger, the state of Missouri has been helpful for parents wanting their daughters to be married. A review of some 50,000 marriage licences revealed how this state became a wedding hot spot for young girls as it is a state with no minimum age requirement and is very lenient with laws.<sup>147</sup>

Just as in Egypt and Turkey, girl brides in the USA are more likely to have early pregnancies and more children than their unmarried peers. For young girls, getting pregnant leads to long-term health problems and can even cause death as their bodies are not ready for childbearing. However, not only the young mothers suffer; their children are often born with too low birth weight, delivered preterm with severe neonatal conditions and are likely to suffer from malnutrition.<sup>148</sup>

The first national study to report on the prevalence and psychiatric correlates of child marriage in the USA was conducted in 2011, in which 24,575 women were selected in a sample that was cross analysed.<sup>149</sup> When the data were compared with women who got married as adults, it became evident that most women who were a child bride suffered a lifetime history

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<sup>144</sup> The Republican Party, in media often referred to as GOP, meaning 'Grand Old Party'.

<sup>145</sup> Dartunorro Clark, "End child marriage in the US? You might be surprised who's opposed," *NBC News*, September 8, 2019, <https://www.nbcnews.com/politics/politics-news/end-child-marriage-u-s-you-might-be-surprised-who-n1050471>.

<sup>146</sup> Fraidy Reiss, "America's child marriage problem," *The New York Times*, October 12, 2015, <https://www.nytimes.com/2015/10/14/opinion/americas-child-marriage-problem.html?searchResultPosition=3>.

<sup>147</sup> Sarah Ferguson, "What you need to know about child marriage in the US," *Forbes*, October 29, 2018, <https://www.forbes.com/sites/unicefusa/2018/10/29/what-you-need-to-know-about-child-marriage-in-the-us-1/>.

<sup>148</sup> "Child marriage and health," *Girls not Brides*, accessed April 29, 2021, <https://www.girlsnotbrides.org/learning-resources/child-marriage-and-health/adolescent-pregnancy-and-child-marriage/>.

<sup>149</sup> Dubertret et al., "Child marriage," 525.

of mental disorders. The most frequent were depressive disorders and nicotine dependence. Also, child marriage can be associated with a broad range of psychiatric disorders, and women were more likely to receive lifetime treatment.<sup>150</sup>

A recent study showed health and economic and psychological issues directly linked with child marriage in the USA. The girls often have little schooling that stops entirely once they are married and with child. In the USA, problematic is that girl brides become what the researchers call a 'hidden population' as there is no way to identify them through open data such as state records. Therefore, ill-schooled girls have limited power within their marriages and must deal with domestic violence, marital rape, and poverty more often than their peers. Their children, in turn, have lower Apgar scores when the mother is younger than seventeen and have more behavioural problems when they get older. This leads to lower levels of education and more abuse and neglect, and the children are more often taken into foster care. The researchers emphasise that more research is needed to better understand teen pregnancy, child marriage, and motherhood.<sup>151</sup>

Domestic violence as a phenomenon is widespread in the USA, and it is widely acknowledged that it can happen to all women. White, affluent mothers and child brides alike, central is the husband's control over the family and the finances. Husbands maintain this control by using different types of abuse, such as verbal and emotional and physical.<sup>152</sup> (Former) child brides who participated in the earlier mentioned study reported that their husbands were at some point abusive; this could be emotionally, sexually, or physically and some women reported that they experienced all types of violence. The women also frequently mentioned financial control by their husbands; they either had restricted access to a bank account or had to hand over their salaries.<sup>153</sup>

Data shows that domestic violence is prevalent in every community in the USA, regardless of socioeconomic and sociocultural factors and as a practice affects all people alike. Approximately 23,2% of women have been victims of severe violence at home, of which 19% involved a weapon.<sup>154</sup> The National Intimate Partner and Sexual Violence Survey in 2015,

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<sup>150</sup> Dubertret et al., "Child marriage," 527.

<sup>151</sup> Bevan et al., "The lived experience," 202-203.

<sup>152</sup> Hardesty et al., "Managing," 561.

<sup>153</sup> Bevan et al., "The lived experience," 204-205.

<sup>154</sup> "Domestic violence," NCADV, last modified 2020, [https://assets.speakcdn.com/assets/2497/domestic\\_violence-2020080709350855.pdf?1596828650457](https://assets.speakcdn.com/assets/2497/domestic_violence-2020080709350855.pdf?1596828650457).

updated in 2018, identifies four types of intimate partner violence: sexual violence, stalking, physical violence, and psychological aggression. Nationwide approximately one-third of all women have encountered one of these types of domestic violence. Of these women, 25,8% was aged seventeen or younger, and they live in an environment where domestic violence is recurring as it is a pattern in most cases. Hotlines dealing with intimate partner violence receive over 19,000 calls on a typical day. The impact is enormous, besides physical injuries and other traumas. Often it crosses generations, and it is a circle that is difficult to break<sup>155</sup>, especially for child brides as they have no access to shelters, cannot file for divorce and must be brought home by the police as they are not allowed to leave their house as minors without permission.<sup>156</sup>

#### 4.2 Child marriage in the USA and the underlying causes

In less than a decade, between 2010 and 2018, as many as 300,000 minors were legally married in the USA.<sup>157</sup> Trying to find additional hard data provided by individual states via, for example, the US Census Bureau for Demographics turned out to be impossible. Reliable figures are not available for collection for the simple reason they do not have the correct facts and figures themselves. The National Center for Health Statistics nor the US Census Bureau provides detailed information, only rough data such as "marriage rate is 6,5 per 1,000 total population". Even they encounter the problem of not all states reporting the requested information.<sup>158</sup> Also, the available data is the data provided by counties after the marriage is registered; marriages conducted behind closed doors within (religious) closed communities are not reported or officially registered.

Child USA is a non-profit think tank that is committed to ending child abuse. They recently published a report<sup>159</sup> on the current situation concerning child marriage in 2020. Among the main drivers in the USA are socioeconomic factors as poverty and sociocultural factors as religion and tradition. Also, gender inequality plays a role.<sup>160</sup> Child marriage, in

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<sup>155</sup> NCADV, "Domestic violence."

<sup>156</sup> Unchained, "United States," 2.

<sup>157</sup> Unchained, "United States," 1.

<sup>158</sup> "Marriage and divorce," National Center for Health Statistics, last modified April 7, 2021, <https://www.cdc.gov/nchs/fastats/marriage-divorce.htm>.

<sup>159</sup> "2020 Report on child marriage in the USA," Child USA, last modified May 8, 2020, <https://childusa.org/wp-content/uploads/2020/04/2020-Report-on-Child-Marriage-in-the-US.pdf>.

<sup>160</sup> Child USA, "2020 report," 7.

general, seems to be more common in the southern states, and although rates vary widely, it does happen in all states. For example, child marriage in Texas and West Virginia happens nearly four times as often as it does in Maine and Rhode Island, but approximately 40 underaged girls are legally wed every day for the whole of the USA.<sup>161</sup>

Sherry Johnson's story exposes the root causes of child marriage and highlights the need for organisations like Child USA and the loopholes found in the law. In Florida, judges may issue marriage licences without an age minimum if a girl is pregnant,<sup>162</sup> even if the pregnancy is the result of a rape and the girl is only eleven years old, as happened to Sherry Johnson: "It was forced on me," she recalls. She had become pregnant, she says, and child welfare authorities were investigating – so her family and church officials decided the simplest way to avoid a messy criminal case was to organise a wedding. "My mom asked me if I wanted to get married, and I said, "I don't know, what is marriage, how do I act like a wife?" and her mother replied with "well, I guess you're just going to get married."<sup>163</sup>

Sherry Johnson's rapist went to the same church. This traditional Pentecostal community rather hid rapes conducted by church elders through child marriage than allow for an abortion or criminal investigation. This is another loophole: as soon as the marriage has taken place, all investigations into rape are dropped, and Johnson recalls the judge telling her, "What we want is for you to get married," before he gave his approval by signing the marriage license that would end her childhood. She ended up with pregnancy after pregnancy and had nine children before she could free herself from the marriage and is currently campaigning for new state laws to end child marriages. As she put it: "You can't get a job, you can't get a car, you can't get a license, you can't sign a lease, so why allow someone to marry when they're still so young?"<sup>164</sup>

Besides stories like Sherry Johnson's, there is the 'Romeo and Juliet' situation, often combined with a notion of love that has more to do with lust. One woman told researchers that she was coerced to marry her boyfriend by her mother as a child because of pregnancy. "When

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<sup>161</sup> "Child marriage is more common in southern Unites States," Pew Research Center, last modified October 31, 2016, [https://www.pewresearch.org/fact-tank/2016/11/01/child-marriage-is-rare-in-the-u-s-though-this-varies-by-state/ft\\_16-10-14\\_childmarriageus/](https://www.pewresearch.org/fact-tank/2016/11/01/child-marriage-is-rare-in-the-u-s-though-this-varies-by-state/ft_16-10-14_childmarriageus/).

<sup>162</sup> "Child marriage," Pew Research Center, last modified November 1, 2016, <http://pewrsr.ch/2eWW0gy>.

<sup>163</sup> Nicholas Kristof, "11 years old, a mom, and pushed to marry her rapist in Florida," *The New York Times*, May 26, 2017.

<sup>164</sup> Ibid.

I told my mother that I was pregnant, her first question was, when are you getting married?"<sup>165</sup> A teenager's puppy love is qualified as adults' love with free choice and life experience, but the marriage concluded is indeed real and binding. It is the precursor to what is called La La Land in the same study; how much knowledge is there about marriage and parenting? The girls who had to marry because they were pregnant, to what extent did they understand that they were children with a child. One of the girls described a doll growing in her belly that she never had to give back to anyone, but after her daughter was born, the deception was great: "I was lost, I was depressed, I was scared, I turned into a depressed, worried person, I was like a zombie. It was a scary, scary moment of my life. But when I found out I was pregnant, I was excited, I thought I had a little toy inside of me."<sup>166</sup>

Many participants in Bevan's study also referred to the influence family and culture, in general, had on getting married as a child. As one woman puts it: "You were supposed to be married. My identity was to be a wife and a mother and to be a homemaker." These women's socioeconomic and sociocultural backgrounds varied, but the outcomes were the same: they all married too young as a child.<sup>167</sup> This is in line with another study which gathered data collected by the American Community Survey (ACS), carried out annually on a random basis. They reduced the data to 616,107 children between fifteen and seventeen when they took part in the survey. About 6.2 out of every 1,000 children were married and based on that data, they assessed which children are at the greatest risk.<sup>168</sup>

They concluded that 'shotgun' weddings – coerced weddings because a girl is pregnant and the family want to avoid the stigma from premarital sex - are decreasing but still occur in mostly religious communities where girls have limited access to sex education and contraceptives. These communities often do not accept babies born out of wedlock, which is a reason to marry young girls off as well. It is also a way to control a girl's sexuality, especially if virginity is held in high esteem while extramarital sex is disapproved of. According to this study, there is a link between religion and early marriage. It is sometimes used to avoid criminal crime charges for statutory rape, resulting in pregnancy with very young girls.<sup>169</sup>

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<sup>165</sup> Bevan, "Lived experience," 205.

<sup>166</sup> Bevan, "Lived experience," 206.

<sup>167</sup> Bevan, "Lived experience," 207.

<sup>168</sup> Heymann, "Child marriage," 60-61.

<sup>169</sup> Heymann, "Child marriage," 64.

Problematic in cases of pregnancies is the current state of abortion in the USA. Since the landmark decision of the US Supreme Court in 1973, known as *Roe v. Wade*,<sup>170</sup> abortion is legal in the USA, but laws and restrictions vary per state. Donald Trump's presidency, who was anti-abortion, was the starting point of a series of unprecedented restrictions on abortion the USA had experienced in a long period.<sup>171</sup> As a result, clinics are shut in large numbers. There are six states in the USA with only one clinic providing abortion, making it inaccessible for many women, yet it is still a fundamental right.<sup>172</sup> As well as being a driver in child marriage, religion is vital in the anti-abortion movements that are protesting in front of the remaining clinics and harassing women while they claim to be giving them advice.

### 4.3 The law in the USA versus everyday life

The USA is one of the few countries where child marriage is currently legal in 46 out of 50 states. New Jersey and Delaware have banned underage marriages without exception in 2018, Pennsylvania and Minnesota followed in 2020. Several states have set the minimum age at sixteen, but twenty US states have no requirements whatsoever if parents, church leaders, or judges' consent.<sup>173</sup> Data from a 2010-2014 survey estimates that circa 6.1 of every 1,000 children in a survey had been married in the USA. The survey was based on the American Community Survey data and was restricted to 616,107 children aged 15 to 17.<sup>174</sup> There are significant differences between states: in West Virginia, Hawaii, and North Dakota, more than ten children out of 1,000 had been married, while in Maine, Rhode Island, and Wyoming, it was fewer than four.<sup>175</sup>

The English common law exported to the USA when still a colony and helped shape US marital law. However, unfortunately, these laws were mainly for the benefit of parents who could control whom their children would wed when still underaged. What did change over the

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<sup>170</sup> "Roe v. Wade," Wikipedia, last modified April 29, 2021, [https://en.wikipedia.org/wiki/Roe\\_v.\\_Wade](https://en.wikipedia.org/wiki/Roe_v._Wade).

<sup>171</sup> Jessica Glenza, "Will 2020 be the year abortion is banned in the US?" *The Guardian*, January 21, 2020, <https://www.theguardian.com/world/2020/jan/20/us-abortion-rights-ban-2020>.

<sup>172</sup> "Abortion laws in the US," Amnesty International, last modified June 11, 2019, <https://www.amnesty.org/en/latest/news/2019/06/abortion-laws-in-the-us-10-things-you-need-to-know/>.

<sup>173</sup> "Understanding State statutes on minimum marriage age and exceptions," Tahirih Justice Center, last modified August 1, 2020, <https://www.tahirih.org/pubs/understanding-state-statutes-on-minimum-marriage-age-and-exceptions/>.

<sup>174</sup> Heymann, "Child marriage," 60.

<sup>175</sup> Heymann, "Child marriage," 61.



years was the law of consent, but parental control of marriage still seems more important than child protection, hence the loopholes that leave room for child marriages.<sup>176</sup>

It would go too far to discuss all fifty states and their marriage laws with all exceptions. There are over thirty, varying from “younger parties may marry parental consent” to “judicial consent may be given when parents refuse to consent”.<sup>177</sup> However, to elaborate on the subject, some states are discussed so that there is an idea of the different loopholes in the legislation per state. In California, for instance, a bill was drafted in 2018 that aimed for the prohibition of all underaged marriages. The legislation passed, but with the consent of at least one parent, the law still allows marriage under eighteen. Furthermore, even though there are additional requirements such as premarital counselling “if deemed necessary”, California law also allows children aged zero to marry while the legal barriers do not function at all. Additional legislation is not pending at the moment.<sup>178</sup>

Florida made a commitment in March 2018 with prohibiting all marriages under the age of seventeen. With this new law,<sup>179</sup> it is still possible for seventeen-year-olds to marry but only with the permission of both parents. Also, the age difference is not allowed to be more than two years between the parties.<sup>180</sup> Idaho still allows minors to marry younger than sixteen with parental consent and judicial approval. For judges to require an expert opinion from a physician is without obligation. It is for the parents and judge to decide whether a girl is “physically and mentally able to assume full martial duties” before the marriage is registered if they do not want a physician to evaluate the girl. Legislation to limit the age difference to three years and set the minimum age at sixteen did not pass in February 2019.<sup>181</sup>

Mississippi is unique with its marriage laws. Until the age of twenty-one, parental consent is required, but girls aged fifteen can marry without any further questions asked with that same consent. If a judge is involved and approves, then all age requirements expire, and with parental consent, the minimum age for marriage is zero.<sup>182</sup> North Carolina allows sixteen-year-olds to marry as long as their parents approve, and fourteen if a girl is pregnant if the

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<sup>176</sup> Hamilton, “Age of marital,” 1828.

<sup>177</sup> “Marriage Laws,” Legal Information Institute, Cornell Law School, accessed May 4, 2021, [https://www.law.cornell.edu/wex/table\\_marriage](https://www.law.cornell.edu/wex/table_marriage).

<sup>178</sup> Child USA, “2020 report,” 16.

<sup>179</sup> “Marriage licenses,” Senate Bill 140, Florida Senate, last modified July 1, 2018, <https://www.flsenate.gov/Session/Bill/2018/140>.

<sup>180</sup> Child USA, “2020 report,” 17.

<sup>181</sup> Child USA, “2020 report,” 18.

<sup>182</sup> Child USA, “2020 report,” 21.

parents can convince a judge that the marriage is in the child's best interest. At the moment, there is no legislation proposed to change the state law concerning child marriage.<sup>183</sup> For a Southern state, the rate of child marriage is relatively low but twofold. They have multiple already passed, and some still pending; in 2019, pregnancy was banned for marrying younger than sixteen and another bill, pending, aims to forbid child marriage completely. On the other hand, over 7,000 girls have been married in South Carolina during the last two decades, some only twelve years old, to men in their forties and older.<sup>184</sup>

The child marriage laws in US territories are similar to the laws on mainland USA. In American Samoa, legislation passed in 2018 that set the minimum age to eighteen. The US Virgin Islands banned child marriage entirely in January 2020. However, Guam and the Northern Mariana Islands still permit sixteen-year-olds to marry with parental consent. Finally, in Puerto Rico, it is complicated as parental consent is needed until the age of twenty-one, but there are many exceptions. For example, an eighteen-year-old can marry without consent if "it is proven that the betrothed woman has been raped, seduced, or pregnant". Furthermore, if a girl under eighteen entered a marriage, it is valid one day after "having arrived at the legal age of puberty", yet it remains unclear what that age is. To make it more complicated, fourteen-year-olds can also marry with parental consent in Puerto Rico.<sup>185</sup>

Besides the legal loopholes as described above, there is also the matter of unofficial marriage, the marriages conducted in closed (religious) communities that only acknowledge God and not the civil code. Also, there is 'conjugal cohabitation' when a couple lives together in matrimony without the marriage license. Another is the 'marriage by contract' when parents arrange a marriage for their underage child to be conducted when they see fit. A part of these unofficial marriages stays unregistered, although some, as we did see in Egypt as well, are legalised as soon as both parties become of age.<sup>186</sup>

#### 4.4 Summary

There seems to be a gap in the available literature. Studies mostly agree on the difficulties of finding reliable data, especially figures that show exactly how many minors are married in what

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<sup>183</sup> Child USA, "2020 report," 23.

<sup>184</sup> Child USA, "2020 report," 25.

<sup>185</sup> Child USA, "2020 report," 27-28.

<sup>186</sup> Child USA, "2020 report," 13-14.

state, with what age difference and more. What is missing is the reason why in a country such as the USA, girls, sometimes as young as ten, can be legally married with nothing more than a parent's consent or the approval of a judge. Some reports refer to legal sex or parents wanting to legitimise a pregnancy as they are against abortion. Also, it seems that the possibility to marry minors is misused in cases of rape if a church community wants to keep quiet, as what happened to Sherry Johnson. Also, by marrying the victim, criminal charges are dropped, and the case is closed – for child molesters, it is an easy way out, and the abuse can legally continue. Interesting, when reading the scholarly literature, reports from NGO's as well as newspapers is that it is, contrary to popular belief, in the USA, it is impossible to pinpoint child marriage to a specific ethnicity, religion or background. It happens in all economic backgrounds, in all states, in all sorts of communities.

Religion as such does play a role. Abortion is a divisive element in American society, and the groups who are pro-life and the groups pro-abortion are diametrically opposed. As a subject, it has been a target for conservatives since *Wade v. Roe*. In January 2020, one of the most prominent anti-abortion protests ever took place in Washington DC when hundreds of thousands gathered for the 'March of Life'. A year prior to the march, in 2019, the 'heartbeat' bills, as the public calls them, were not only accepted but became the law in several states, banning abortion after six weeks of pregnancy. Furthermore, however unconstitutional it may be, Alabama took it to an even higher level and banned abortion altogether. Moreover, although courts keep saying that these heartbeat bills are not constitutional, Christian organisations behind them see them as educational tools, legally it takes time to undo this legislation, and meanwhile young, pregnant girls must marry as there is nowhere to go for an abortion as a solution for them.

The problems remain the same for married underaged girls in the USA as they are in Egypt and Turkey: they suffer healthcare problems, often drop out of school early, and must deal with domestic violence and living in poverty. Secrecy is not uncommon as girls become part of a hidden community, out of touch with their peers as they do not get to go to school any longer but are at home with a child. Domestic violence is often part of their lives, both in affluent as poor communities. What the USA also has in common with Egypt and Turkey is the impact of child marriage on their mental health. Interesting is that many scholarly studies used in this thesis have a background in social sciences and focus on public health.

When it comes to law-making, the USA still has a long way to go as there is no federal law to take care of the phenomenon and ban it altogether. Different states have different laws, and except for four states, all have loopholes. Furthermore, although there seems more interest in the subject and new legislation is proposed, states reject them as we saw in Idaho or are hindered by opposing parties with their own agenda. According to the report written by Child USA, the most effective way to ban child marriage in the USA would be a federal law banning underage marriage with no exception.

## 5 Egypt, Turkey, and the United States of America per category

“Educating girls is one of the most powerful tools to prevent child marriage.”<sup>187</sup>

As indicated in the introduction, it was impossible to find identical sources per country for the case studies. All three chapters follow the same structure, just not based on the same material. If you look at the topics, they fall into different categories: health, domestic violence, education, sociocultural and socioeconomic. This short chapter lists these categories as a transition between the three case studies and the conclusion.<sup>188</sup>

### Health and early marriage<sup>189</sup>

All studies agree on the effects of child marriage on the physical and mental health of the girls involved. Girls who marry at a young age often give birth before their bodies are fully developed. Therefore, they face many risks, such as miscarriages, infant death, maternal death, but also cervical cancer and sexually transmitted diseases. They also face mental disorders, depression, and loneliness as they are suddenly restricted to a life at home instead.

### Domestic Violence<sup>190</sup>

In Egypt, there is no law on domestic violence, and marital rape is not a crime. Often, reporting abuse at the police station is impossible; women need permission from their husbands to leave the house. The injuries must be visible, and not all officers are willing to enable women to file charges against their husbands. Violence against women is widespread in Turkey, and girl brides are no exception. Two examples stand out in a field study: the reason behind the violence can be linked to economic and psychological problems. Second, patriarchal norms still predominate society, having impacts on marital relations. Domestic violence in the USA cuts across all groups of women and their relationships, regardless of income, education, ethnicity, etc. In the USA, child marriage is permitted by law and therefore often used to cover up child rape, which continues at home once married.

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<sup>187</sup> “Theory of Change,” Girls not Brides, accessed June 15, 2021, <https://www.girlsnotbrides.org/learning-resources/theory-change/>.

<sup>188</sup> All studies are referred to in the chapters, but I will give a small selection per category.

<sup>189</sup> Cetin, “Rememberings,” 19-21; Avci et al., “Evaluation,” 5-6; Dubertret et al., “Child marriage,” 527-528.

<sup>190</sup> Alsaidi, “What drives,” 10; Erselcan et al., “Domestic,” 700; Hardesty et al., “Managing,” 556; Unchained, “2021 report,” 3.

## **Education<sup>191</sup>**

Child marriage has dire consequences for the education of girls. Once married, they are not allowed to go to school any longer in Egypt. In Turkey, it is not forbidden, but there is a difference between urban and rural areas. Education is seen as very important, but girls marrying young in the city when they are eighteen cannot be compared to the younger girl brides who live in the countryside. The first group goes to school and university, and the second group stays at home. In the USA, girls are less likely to finish their education despite being free to go to school.

## **Sociocultural and socioeconomic<sup>192</sup>**

Many different causes are named as the driving force behind child marriage. Culture and tradition play an essential role, even more so in Egyptian rural areas, where the girl's honour is linked to both her virginity and her family. Economic impacts of early marriage are due to quitting school and illiteracy, lower labour force participation of women and fewer earnings. Due to the patriarchal society in Egypt and Turkey and the often significant age gap in the USA, girls have little control over household assets and how money may be spent. In Turkey, due to the structure of society, men are in the position of making the decisions. Still, early marriage is also seen as a way to protect a girl's virginity and, therefore, the honour of the family. Culture and family beliefs are essential factors in the USA as well. Pregnancy and religion are the main drivers behind child marriage, and girls often feel they do not have a free choice as abortion is out of the order and parents want their daughters married, even if the pregnancy is due to rape.

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<sup>191</sup> Cheong et al., "Women's age," 150; Avci et al., "Evaluation," 3; Child USA, "2020 report," 9.

<sup>192</sup> Alsaidi, "What drives," 17; Edmeades, "Economic," 18; Gök, "Child marriages," 2225; Bevan et al., "The lived," 207.

## 6 Conclusion

Egypt and Turkey are patriarchal societies where women regularly experience sexual harassment, gender discrimination and domestic violence. The COVID-19 pandemic has made things worse for women in many countries, as lockdowns and other measures have forced people to spend more time at home, often in small spaces with concerns about work, money, and health. In villages and neighbourhoods where poverty is widespread, and people are illiterate or have difficulty reading and writing, a marriage between a young girl and an older man is no exception. In Turkey, there are also refugee children from Syria, of which recent studies show that child marriage among this group is on the rise and is a severe problem for the well-being of sometimes very young girls. On the other hand, the USA is not a patriarchal society, and women are, on paper at least, equal to men with the same rights and opportunities. However, the USA is where child marriage is not prohibited by law, unlike Egypt and Turkey. Domestic violence is also a significant problem in American society that many women face throughout their lives before the circle can be broken. Thus, the causes behind child marriage can be divided into socioeconomic and sociocultural factors in all three countries. That is why the research question has been formulated as follows: *What causes child marriage in Turkey, Egypt, and the United States of America, and do these countries' laws help protect the underaged girls?*

Socioeconomic factors that are linked to child marriage are poverty, lack of education and insufficient employment. A low socioeconomic status affects psychological and physical health and affects how people can develop and function in society. Families struggling to survive under harsh conditions sometimes feel that they have no choice but to marry off their daughter in exchange for the bride price. This happens in Egypt and Turkey in rural areas more than it does in middle-class families living in cities and refugee camps. The money paid for the girls can be used to find a suitable bride for sons, but it is also helpful to cover the other family members' living expenses or set up a house when all you had was left behind. For the USA, it is impossible to pinpoint where exactly the marriages take place, as there is not enough reliable data available. What we do know is that paying a bride price is not happening. Also, before the girls are married, they have access to a well-developed educational system, although there is a significant difference between public and private schools.

In Egypt and Turkey, education for girls is also not always seen as a necessity, and as a result, only the sons within families are sent to school if it can be afforded. This is problematic because girls who have not attended secondary education are more likely to be married before the age of eighteen than girls in school. In the USA, research has shown that there is a link between poverty and lower education. Communities with a lower socioeconomic status in the USA often have schools that lack resources. Girls who enter early marriage often quit school entirely as they become homemaker and mother. In Egypt, Turkey and, perhaps surprisingly, the USA, illiteracy due to lack of schooling is problematic and helps maintain child marriages.

Again, in Egypt and Turkey, the sociocultural links to child marriage can be defined as religion, tradition, and the community's expectations, even though these are partly intertwined. In poor, sometimes remote, communities, it is expected that a girl will marry when she reaches puberty because physical development is seen as the guiding principle in whether she is ready for marriage. The family's honour is often linked to the girl's honour, so it is of the utmost importance that she enters marriage as a virgin. In addition, it has been a continuous process in some communities that overlaps generations, with girls marrying young and deviating from that tradition can lead to exclusion within the community.

In the USA, marriage is not necessary to live together; cohabitation is acceptable to most Americans, even if there are no plans for marriage. Nevertheless, religion is a key driver for the communities in which child marriage is happening more often. Also, as in Egypt and Turkey, the girl's honour is the family's honour, and one way to control a girl's sexuality is marrying her off as soon as she reaches puberty or becomes pregnant. Problematic for girls is that abortions are less accessible due to recent changes and a normatively changing society with as many people against as pro-abortion. Furthermore, by marrying a girl after raping her, criminal charges will never be filed as investigations are stopped as soon as the marriage is registered. For parents against abortion and religious and conservative, having their daughter married is more important than her well-being. The girls have nowhere to go. Church elders and parents want girls married, they cannot file for divorce because they are underaged, shelters for abused women are not allowed to help them because of the same reason, and if they run away from home, the police must bring them back to their husband as they are not to leave the house without permission as a minor. This is a significant difference with Egypt and Turkey, where poverty is more a key factor than religion alone.



The consequences of child marriage are complex but similar in Egypt, Turkey, and the USA. Physically, the consequences for girls are significant, especially if they are younger than sixteen at their marriage and first birth. They are at risk of abuse and maltreatment, have a high risk of miscarriages and other pregnancy and childbirth complications, and may develop mental problems due to being isolated indoors. An extra complication for summer brides in Egypt is the children born from these short-term marriages. They cannot officially be registered, meaning they do not exist on paper. This is a significant problem because, without a birth certificate in Egypt, it is impossible to access the system that provides health care or education. Later in life, it is an obstacle to get identity papers or opening a bank account.

On an international level, child marriage is seen as a violation of human rights and modern slavery. Regarding Egyptian and Turkish law, it is not that complicated. To marry, both parties must consent to the marriage of their own free will and be at least eighteen years old. In addition, the marriage must be officially entered into the register. The loopholes in the law lie in the possibility of falling back on Islamic law in Egypt when it comes to family law; this allows for a deviation from civil law. In Turkey, seventeen-year-olds can marry parental consent and sixteen with court permission under exceptional circumstances and vital grounds, yet it remains unclear what these might be. Regarding US law, it is very complicated as there are over thirty-five loopholes that allow early marriage and only four states out of fifty have forbidden it with no exceptions. All other states have either set the age at sixteen or seventeen, but a lot is possible with parental consent or a willing judge. In two states, California and Mississippi, it is legally possible to marry an infant.

The answer to the research question is that the Egyptian government only partially contributes to solving the problem because the legal system created by the Egyptian government is a paper tiger. It is a front to the outside world that must show that the government has arranged everything properly. However, when it comes to enforcement, things are a lot worse. Little will change in daily practice if the loopholes are not tackled firmly, and the law is not sufficiently enforced. An additional problem is the attitude of the Egyptian government towards aid organisations working to combat the practice of child marriage and summer brides. As long as the Egyptian government believes it is more important not to tarnish Egypt's reputation because of tourism, aid organisations that focus on educational projects, sex education and information, in general, cannot do their job correctly. Currently, many organisations cannot do their work properly as they are banned from Egypt.

For Turkey, it is more complicated as the exceptions to the minimum age are legal, so no loopholes required if the girls are not younger than sixteen. Recently, a new marriage law raised the fear that it would increase child marriages as Muslim clerics are permitted to conduct civil marriages that need to be registered officially afterwards. No research has yet been done to determine whether this fear of more child marriages with the introduction of this law is well-founded because the law itself is not yet that old. There is a fear that people will have their daughters married at a young age by Muslim clerics who cooperate and do not find it necessary to officially register it with the registry office because they recognise God as the supreme authority. What also seems to play a significant role in Turkey is the tension in recent years between supporters of a secular society and a large, growing group that favours religious conservatism. All in all, this means that the law, also in Turkey, is more like a paper tiger than a government that does everything it can to protect young girls from child marriage. Furthermore, as in Egypt, the relationship between non-governmental organisations and the Turkish government is sensitive.

The USA is the only country where it is legal to marry a minor, although the differences per state vary significantly. Attempts to make changes often fail because of the two-party political system in the USA that keeps each other in balance but makes it impossible to make decisions. Democrats are usually in favour of raising the age for marriage to eighteen, with no exceptions. They are also pro-abortion. Republicans are often opposing new legislation because they are against government interference in the public sphere in general. Yet, when it comes to changing abortion laws, they change their position and favour a government that interferes in people's personal lives. The heartbeat laws are an excellent example of this change of position when viewed which states implemented the harshest anti-abortion laws; it is mostly very religious, Republican-led states in the South and Midwest. Compared to Egypt and Turkey, the USA is making no effort to protect underaged girls from marriage. Many non-governmental organisations have ties in the USA, so education and information are easily accessible.

In order to work on child marriages, the legal system in Egypt, Turkey and the USA must improve. Not only must there be much more active efforts to enforce the law, in the case of the USA, but the law also needs to be changed completely. In Egypt and Turkey, the possibility of getting through the loopholes of the law must be tackled. In Turkey, refugees need more access to healthcare and education. The measurements currently taken seem to be driving the

girls underground as they cannot meet the demand for official papers such as birth certificates and passports in the clinics set up in the refugee camps.

This all requires a practical approach. Combating poverty, education for girls and sufficient employment play a crucial role in this. Good information is also crucial. There is a role here for Islamic scholars and church leaders with authority to explain why child marriages are harmful. Furthermore, governments should not see aid organisations as the enemy but instead as partners to tackle the problem.

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