

Factors affecting Syrian Female Minors' Arranged Marriages as a Wide-spread Phenomenon

Introduction

It's really significant to resist female minors' arranged marriages phenomenon, because it endangers the future of myriads of female minors who unwillingly become victims of forced arranged marriages. This is a blatant violation of the most important international conventions related to human rights; including the Universal Declaration of Human Rights, and the Convention on the Rights of The Child that are signed by the majority of countries in the world, including Syria, since 1989, not to mention that such practice violates women's rights as well.

Such a phenomenon is closely and deeply connected to social, economic, political and legal circumstances, so that how much it is spread depends on the environment and conditions surrounding the female minors.

Overview about the Expanded Phenomenon of Syrian Female Minors' Arranged Marriages

Prior to the bloody events that Syria are witnessing now, and according to statistics and figures; female minors' arranged marriages rate in Syria does not usually exceed about %7 of all Syrian female minors. This average started to increase a year after year along with the increasing conflict and armed violence, till it has reached %15 in 2012. Another increase of %30 has been noticed in 2015. According to the statistics issued by the Syrian ministry of justice; about %10 of marriages in 2013 have been arranged for female minors at religious courts in Damascus. This rate increased so much in the suburbs that are far away from the capital. The situation gets worse when we know that about %60 of the unregistered marriages have been arranged for female minors.

As a matter of fact; arranged marriages for female minors increase in the communities of internally-displaced persons or refugees. According to a UN report: “%70 of Syrian

refugees are women and children. UN has posted many warnings about Syrian female minors' arranged marriages in Jordan. UN officials stated that they are really concerned for early marriages that are used as "a mechanism for coping with new conditions".

Syrian girls who are registered in the UNHCR records in Jordan, and who are considered as being in danger, make %26.3 of Syrian refugees. According to the same source; there is a discrepancy in female minors' arranged marriages between different states of asylum. In Jordan; %35 of Syrian female refugees' marriages are classified as early marriages (according to judicial statistics in Jordan for 2015). Whereas %32 of marriages held between refugees in Lebanon were for girls who are under eighteen (according to UNICEF), and %25 of marriages arranged in Egypt are for Syrian female minors.

In the areas out the Syrian regime control, which are governed by the paramilitary opposition groups; due to economic siege applied on such areas; and being the target of shelling, works have been ceased, as well as schools which have been demolished. Poverty increased among civilians. As a result, female minors' arranged marriages have increased, who are usually get married to armed men as they can support their families and protect them at the same time. These areas have created their own religious courts to register marriage incidents. However, such courts wont be considered by the regime when military conditions change, in this case, these areas might be governed again by the regime. This means that such families might suffer so much before they could register their marriage incidents or add their children's names into civil registration records. Because of battles; large numbers of these wives have become widows, and they might get married to other men and give birth to other children, and this would make the situation even worse, and surely will affect children's future and the process of enrolling them in schools.

In the areas where strict military factions control and prevent women from getting out their houses without a close male relative, where rigid restrictions have been enforced on women's clothes, work, activities; marriage has become the sole available solution for girls. Early marriage has created a certain form of mobilization and religious activity for such strict powers, and this is what is known in the areas governed by ISIS as Matrimonial Jihad. It's worth mentioning here to talk about Al-Khansaa Battalion in Raqqa, whose members pursue women who violate ISIS laws and instructions.

Such a battalion activities have been expanded to include providing military training for women at certain camps. They also indoctrinate women about Islamic religious propaganda and suicidal operations. A large number of Al-Khansaa Battalion members are foreign women. It was not enough for ISIS to govern the lives of female minors in the areas under ISIS control, rather ISIS officials tried to attract them, either by force or through kidnapping operations, to become war loot, under the pretext of being infidels taken from enemy's areas. The other choice is to take them as female slaves. Most female slaves are minors. Through an intensive religious propaganda via social media; ISIS experts, depending on media technologies; start to promote for ISIS operations and thinking. Thus, ISIS started recruiting European girls; through convincing them to travel to Turkey then to Syria. Despite all disappointments hitting such girls; as they have discovered that ISIS reality is not like what they have been promised of; yet ISIS could influence and attract a large number of European women. According to a study published by the Strategic Dialogue and the International Center for The Study of Radicalization at King's College in London; a spotlight has been shed on the numbers of the women who have joined ISIS and the countries they have come from. Britain comes first as the country from which many women have joined ISIS; then France, Holland, and Sweden respectively. As for ages; the range is between 15-16 year-old girls and this age category comes first, as far as traveling and joining ISIS is concerned, and marriage is one of the purposes for which the female newcomers travel to fulfil.

Factors and Reasons behind Early Marriage Phenomenon

First: Traditions and Customs

Such traditions are so discriminatory on gender basis. They are also old fashioned, as they depend on dividing roles and labor between man and women, so that the only duty dedicated for women is to give birth to children, and to do domestic work and to be a servant for her husband, which means to be a dependent on the males in her family forever. On their part; male members in the family consider woman's dignity as their own honor and they feel horribly frightened of any chatting about this issue. In fact, such traditions prohibit women from communicating with men, and for any

reason whatsoever, whether at work or at school or college. Women are also prevented from expressing their desires and emotions, from choosing their spouses, and this what helps their parents to arrange marriage for women from any suitor, under the pretext that marriage provides a kind of protection for girls. These practices conceal the reality manifested by prohibiting women from communicating with men or getting in touch with them, along with depriving women from their own freedom.

Definitely, a life affected by forced deportation, displacement and taking asylum has shaken up such traditions tremendously. Displaced and asylum seeking families have mixed up with other families in a certain tight place. This condition forced these families to live a mutual life, whether at accommodation centres, or refugee camps where sleeping facilities and lavatories are divided by make-shift barriers. Even those who have fled from dire conditions and resorted to their relatives and friends' houses have paid a high price as well. Communication between men and women in this case has become indispensable. However, when refugees and internally-displaced persons refused such a reality; this has created a motive to make family members and/or living partners to interfere and force female minors onto arranged marriages, under the pretext of finding a kind of protection in such a marriage and to avoid what is prohibited and forbidden according to the Islamic teachings via resorting to a Halal solution, which is marriage in this case.

Second: Violence against Women

According to the definition mentioned in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); Article I states that: “violence against women includes any kind of violence against women for being a woman, or any violence that affects women unfairly, including actions that might cause any physical, mental, psychological and/or sexual damage, or any threats for doing such acts, any form of coercion, and all forms of denying freedom”.

Accordingly; arranging forced marriages for minors is an intensive violence against women, since it starts by forcing women on marrying someone; a situation that is usually accompanied with corporal violence to convince her to marry a certain person. In this case; women suffer from family violence due to gender discrimination between males and females. This will lead to create a kind of patriarchal authority, which

means to let males control females' behaviour, and teaching them how to be obedient by means of verbal violence. Sometimes women are beaten up, and their male family members usually interfere in their behaviors and control their destinies. Parents would practice their control via forcing their female members on dropping out of school in order to get married. Usually, violence is adopted by parents to force their daughters on getting married from any suitor.

The most dangerous effect of such a marriage on a minor girl is to become emotionally deprived, since she has been taken away from her parents, as any child is in need for such a kind of emotions throughout childhood stages. This means that she is derived from her childhood.

Getting married in an early age; a girl might suffer from all sorts of violence, including psychological violence, since matrimonial life responsibilities and commitments are too much for her to bear. According to psychological studies; this situation might lead to a childhood recession status manifested by psychological disorders such as hysteria and depression. Arranging marriages for female minors means to make them bear something unbearable, including marriage duties, pregnancy, children upbringing, and domestic activities. This might be accompanied with verbal and/or corporal violence practiced by the husband and his parents and family members who would force the wife to do such duties according to their own whims. It's worth mentioning here that the minor wife in most cases will never move to live in alone with her husband in their own house. Rather; she would live in a house shared with her husband's family, so that her husband's mother, sisters and her senior sisters-in-law would start teaching her how to do housework, including how to cook and to raise her children. This might be accompanied with different kinds of verbal violence and interference in her life with her husband. If she does any mistake, she would be punished by her husband, who would beat her severely. It's hard to imagine a newly-wed minor living alone in her own house. Even her husband would not think it's a good and safe idea to leave her alone at home during his absence at work. Moreover, a society treating women as inferior to men would impose a kind of surveillance and control over women's lives, no matter how mature they are.

Following displacement and seeking asylum waves; certain forms of violence started to be clearly seen; especially at refugee camps, including: sexual molestation that has become a wide-spread phenomenon. According to different reports; sexual gangs

started to be formed to chase refugee women and girls. During such chasing processes many sexual rape and kidnapping cases have taken place. Additionally, authoritative figures in the places where refugees are relocated began to exploit the females. In this context; we must refer to Amnesty International Organization report that is entitled: *I Want A Safe Place*, in which Catherine Ramzi, a researcher of gender issues at Amnesty International, has discussed Syrian female refugees' situations in Lebanon, and how they are at the risk of being abused by authoritative figures there. The researcher has noted to the fact that exploiting women in Lebanon is caused by lack of international finance required to tackle refugee crisis, in addition to the strict restrictions imposed by the Lebanese authorities. All of these factors have created a suitable milieu wherein female refugees have become prone to sexual molestation and exploitation, without being able at the same time to request any protection that should be provided by the authorities.

Conclusion: in addition to all forms of violence against women on gender basis within the family and society; war has created new fears inside women. The power that weapons provide for arms holders would enable them to control women for kidnapping and/or raping purposes. Those fears based on any threat of kidnapping or rape within the circumstances of lack of security services and authority, whether prior to displacement wave or after it, have created a motive to force the female minors to get married during wartime. Refugee families have developed certain fears and concerns for their daughters, and this led to an increase in the rate of female minors' arranged marriages under the pretext of preserving women's dignity and honor and protecting them in a correct way, that is marriage.

Third: Education Role

Educational level is one of the factors affecting the phenomenon of female minors' marriage. It's widely known that education is obligatory and it is something enforced by the Syrian law as far as basic learning level is concerned, i.e. till the pupil turns 15 years old. However, dropping out from school has reached an unprecedented level in Syria, even prior to the crisis, without any controls or accountability for the pupil's parents. If poverty is one of the primary causes for dropping out from school, and when parents don't care for that and don't bother themselves to encourage their children to go to school; this case can be traced out more in the countryside within poor environments, and large families. In this case; males are sent to help their fathers

in supporting the family day by day, or in agricultural activities. However, traditions in this milieu do not allow females, even if they are distinguished and very accomplished at school, to continue their higher education, because females in their opinion do not need more than learning how to read and write, in other cases females are allowed to continue their studies until they reach puberty age. At that point; females should leave school to learn housework, waiting for a suitor to come. Most of the time; females in such a case would be victims of arranged marriages as minors. However, war has imposed a compulsory cease of education in the regions out of regime control, due to the constant shelling that causes a lot of damage and havoc at schools. As parents feel so concerned for their children; therefore, they would oblige them to drop out from school. Following refugee and displacement processes, and for many other reasons; including cease of education for several years successively, lack of any documents and proofs of identities, in addition to lack of material and financial capabilities that would enable the parents to send their children to school, and parents' need for their children to help them earn their bread and butter; all of these reasons might motivate parents to encourage their male children to involve in labor market, whereas females are convinced to get married to get rid of their financial burdens. I'd like to refer here to the shortcomings shown by international organizations concerned in refugees and internally-displaced persons' issues, since they haven't provided the basic needs of these families; including education and healthcare, and that would definitely lead to dropout from school on a large scale.

Statistics show that %50 of Syrian children don't go to school. And this would create huge threats that would be reflected on their future, and on the future of Syria as a country. These dangers include: increasing rates of illiteracy, children labor, female minors' marriages. This indicates that a large number of minors have got married due to dropout from school caused by armed violence.

Fourth: Dowry

Despite different interpretations; the dowry represents a kind of sale contract whereby a woman is committed to provide sexual services, for a return of a sum of money seen by many people as the woman's value. According to the traditions; the higher and more prestigious the lineage, family, and social status of the woman is; her dowry could be higher. Generally, beautiful women would obtain higher dowries. Actually, dowry is a kind of disdain for women as it dedicates the idea of making women

inferior and subordinate to men. Dowry reflects the gender discrimination, in reality and law, between man and woman. As the woman receives her dowry; the man is entitled according to law to pursue her legally being his wife, and she would be considered violating the rules if she left his home for any reason whatsoever if she has received the dowry that he paid her.

Dowry Significance in Syrian Personal Status Law

According to the laws; dowry is one of the conditions that make a marriage contract correct, depending of article no. 53 of Syrian personal status law: dowry for the wife shall become due upon correct marriage contract, whether the sum of the dowry has been mentioned or not within the contract. Article no. 60 states the following: the wife is entitled to get the dowry. Husband's trust would never be cleared unless he pays the dowry to his wife in person, if she is legally competent, unless she has authorized a certain custodian to receive her dowry. Only her father, and her grandfather from the father's side should receive the dowry of a minor girl. Although law considers the dowry a right for women, yet Bedouin and suburban traditions consider the dowry as a due right for the girl's father as a return to selling the daughter. However, according to law, when a minor girl is getting married, her custodian should receive her dowry, and the custodian should be exclusively her father or grandfather. In fact, the wife's brother often receives his minor sister's dowry, as her custodian, in the absence of her father or grandfather. Therefore, minor girls' situations are subject of exploitation, under the title of custody in marriage. In definition; custody means in this case the competence according to the order of relatives as far as inheritance issues are concerned, provided that the custodian should be a close male relative whom the woman cannot get married to.

Such a custody detracts woman's freedom in choosing her partner in marriage, and dedicates this idea that makes women inferior to men. It is also one of the factors that is used to force a female minor to get married.

Dowry issues have played a major role in forcing Syrian minor girls on getting married, especially the refugees among them. For example; we can notice within the female refugee communities at Al-Zaatari Camp in Jordan, the wide-spread phenomenon of matchmakers. In this context, I'd like to quote what has been

published in a report by Maher Al-Shawabkah, a Jordanian journalist working for Al-Hayat newspaper, about female minors' marriages at the aforementioned camp. Getting married to a refugee would not cost a lot of money, thus the transaction is being agreed upon mutually, which is a kind of selling a poor girl to a wealthy man to avoid poverty and misery. Most marriage contracts signed for female minors are made out outside courts. This marriage is meant to be short termed, and it is just a legal pretext to cover the sexual exploitation and abuse behind it.

According to another report: a matchmaker mentions in a report prepared by UNHCR that prices varies from case to case. Arab men, from Gulf states, usually look for a Syrian girl just for pleasure, not for marriage sake, and the return is money. If the girl gives her consent; the man would pay 100-200 dinars, whereas if he wants to marry her; the price would become higher in this case: the range is between 1000-1500 dinars. Sometimes; the man might marry the girl and divorce her a week after their marriage, then he starts looking for another girl to remarry again.

Matchmakers swamping in the camp would select the most beautiful, youngest girls to arrange their marriages to wealthy men, the majority of them are already married or old-aged.

Therefore, dowry usually is one of the factors affecting female minors' marriages in the communities of poor refugees who are living in refugee camps. Normally, the dowry is received by the custodian to improve family's living conditions.

Conclusion:

At asylum areas that are far away from Syrian law authorities; the husband usually is not a holder of the Syrian nationality, as a result, the marriage would be consummated according to husband's national laws. Hundred thousands of Syrian women are victims of refugee marriages. Syrian women married to men from other nationalities, whether from Arab or foreign states, would give birth to many children, most of them would be endangered of being stateless. As their mothers couldn't grant them her nationality; the future of those children becomes at stake, since Syrian nationality law prevents women from granting their nationality to their children. This is a very urgent case that must be dealt with under spotlight, and discriminatory laws should be eliminated from the Syrian laws because they are really old fashioned. Additionally, the justifications provided by the Syrian legislators are baseless, but they can be

attributed to the shortcomings and stagnancy in the Syrian legislations, which are incapable of keeping up with modernity. Not to mention that the Syrian regime doesn't want to adjust any discriminatory law violating women's rights.

According to Syrian nationality law; Syrian mothers cannot grant their nationality to their children, as nationality right is limited to men only. Depending on this fact; a reservation has been set on the article no. 9 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

Fifth: The Relationship between Poverty and Getting rid of Female Minors' Burdens and Expenditure Concept in Reality and Law

This concept is related to traditions based on dividing labor activities between men and women. Women are prohibited to get a work outside her home, and her family should support her no matter how old she is. The same duty shall be assigned to her husband. Therefore, parents, especially when they are poor, would convince their female minor daughters to get married early to get rid of their expenditure and material burdens.

According to Syrian personal status law; expenditure is a due right for the wife. Article 71 states that: upon signing a correct legal marriage contract; the expenditure becomes due to the wife, and it must be paid by the husband. Expenditures include food, clothes, healthcare, and residence place costs, even if she is still living at her parents' home, unless when the husband asks her to move and live with him, and she declines without a good reason, such as lack of suitable residence or not receiving her dowry. According to article 73: woman is not entitled to expenditure if she finds herself a job outside her home without her husband's permission and consent.

Conclusion; dowry and expenditure are two significant factors that play a major role in increasing the incidents of female minors' marriages under displacement homelessness and miserable conditions which Syrian refugees and displaced persons are suffering from. Such conditions might lead the father, whether he is present or absent, to give his consent for allowing his minor daughter to get married under coercion and pressure conditions, including: need of money, to get rid of females' financial burdens in the first place, so the father in this case would sell his daughter within the context of the so-called religious legal marriage, hoping that this kind of marriage might be a salvation for her from a life brimming with misery at the refugee camps, and to find her a kind of protection provided by a wealthy man within the conditions of obligatory deportation and displacement at refugee areas.

Sixth: Keeping Marriage Age Indefinite

This is based on religious fatwas encouraging parents to let their minor daughters get married, and such fatwas provide religious justifications for such kind of marriage depending on Islamic jurisprudence, like when they state that it is a sort of taking Prophet Muhammad (PBUH) as a role model in this regard when he married Mrs. Ayisha, in addition to the justifications provided by the legal jurists and theologians who discussed that marriage age should be kept indefinite, depending on the fact that throughout Islamic history; marriage age has not been identified. However, they don't discuss the fact that the Islamic jurisprudence prohibits any marriage contract to be signed for any girl that is not suitable for marriage, and this includes minor girls as they are not suitable to get married at the psychological, physical and/or mental levels.

Marriage Age as it is defined by Syrian Personal Status Law

Syrian Personal status law, that is based on Islamic jurisprudence, and known as the religious law, agrees with religious theological interpretation, as it supports and enhances old-fashioned traditions and customs, since it encourages, via its articles and items, female minors' marriages. According to article 16 of this law: marriage competency for a young man shall be consummated by turning 18, and for the girl by turning 17. Again, this is a distinction in consummated competency between men and women. Meanwhile, this law does not prohibit the legally incompetent person from getting married, however, according to article 18:

- 1- If the male teenager, as he turns 15, or the female teenager, as she turns 13, claim that they want to get married, the judge might give his/her consent in this case, if their claim is true, and they are physically capable of bearing the burdens of marriage.
- 2- When the custodian is the father or the grandfather, his consent is a condition to consummate the marriage. In the case of the minor, whether a male or female; the judge would be their custodian, even in their absence. However, law states that custodian's consent is a must for a girl, whether she is a minor or an adult, and the father can cancel marriage contract if the competence condition has not been met.

Conclusion

All these factors, which are independent yet connected to female minors' marriages, are responsible of continuing such a phenomenon that finds a fertile soil to instil such seeds in backward traditions and customs. However, the Syrian personal status law plays a major role in protecting these traditions and customs, as this law still depends on a holy source to set its rules and interpret them, that is traditional Islamic theology which cannot interpret the text according to modern logic and needs. Rather, it tries to interpret the religious texts according to a backward pattern in order to overwhelm the society and adopt the patriarchal authority to deepen men's control over women.

I should discuss here that Syrian laws are kept stagnant throughout tyranny period. And personal status law is not an exception. This code has been set in 1949, and nothing has been changed concerning its articles. As for the slight adjustments that have been added to it; they all have a very little quantitative influence that has not affect the subordinate status of women, and couldn't eliminate the discrimination based on gender against women. Despite all international pressures and demands exerted by human rights organizations, especially those related to women; yet the Syrian government declined to sign the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and insisted on refusing it till 2002, when the legislative decree no. 333 was passed, so after this decree the Syrian regime signed this convention, after setting many reservations that would strip the convention from its meaning. Actually, the Syrian regime has set a reservation on article no. 16, item 1, paragraphs c, d, f, g that grant women equal rights with men in terms of marriage, divorce, guardianship, custody and her right to choose her profession or career, family

name. it also defines a minimum age to get married and the obligatory registration of marriage incidents. I have mentioned this reservation as it is so relevant to education. Syrian regime also has set a reservation on article no. 15, paragraph 4 that gives women equal rights to men in terms of the laws related to moving and changing places of residence. Another reservation set by the Syrian government on article 2 of CEDAW convention, which states that: to embody equality between women and men in national constitutions, legislations and laws, and to provide legal protection for women against any discriminatory actions passed by any institution, organization and/or personality. Working on changing the laws, regulations and customs accordingly. Following all events that stormed up Syria; the regime, out of the blue, surprized us by passing the legislative decree no. 230 on 16, 07, 2017 which states that: “the Syrian Arab Republic shall cancel the reservation set on article no.2 of CEDAW, according to a controlling rule that does not contradict any provisions of the Islamic jurisprudence. Thus, the regime has created an obstacle for any possible change, considering the fact that the regime is capable of imposing certain laws and changing them according to the regime desires, however, the tyrant rejects any change that does not enhance his dictatorship and power. Whereas he rejects any laws that play a major role in empowering different social categories, or the laws that encourage people to claim their due rights and enhance them. Actually, those very rights are usually violated by the regime, because they go beyond its interests, as they limit its control over certain social categories.

Recommendations

- 1- Refugees and internally displaced persons are still suffering from neglect and lack of care and services, and this makes them subject to all sorts of violations and deprivations. Therefore, the required services must be supplied to the refugees and the displaced, including healthcare, education, job vacancies, as they are seen as possible means to limit female minors' marriages.
- 2- Providing security for refugee camps, pursuing the gangs interested in sexual abuses, kidnapping and molestation which usually target women. The members of such gangs must be held accountable for their crimes, and this is a possible means to limit female minors' marriages.
- 3- Eliminating all discriminatory laws against women. Cancelling all reservations set on CEDAW convention. This is a very important means to end the phenomenon of female minors' marriages.

- 4- Showing interest in empowering minor girls, whether the married or unmarried ones, and to provide education for them according to their interests in order to be able to get involved in labor market so that they can support themselves.

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