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The Lebanese Legal System's Contribution to Child Marriage

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Abstract:

Efforts to eradicate issues of women's rights and gender-based violence, especially child marriage, have for years been concealed because of their sensitive links to religious and cultural ideals. Research has shown that those most affected by such forms of violence are the most vulnerable and often in a state of migration. Lebanon, today, hosts more than two million refugees of Syrian and Palestinian descent with little to no preparations on their housing and living requirements. Consequently, rates of law violations especially against women and minors are clearly evident within these populations. Recent data has shown that the rates of child marriage among the Syrian community across Lebanon are alarming with a common belief that this is a practice only in occurrence among the migrating population. Nevertheless, the legal system in Lebanon does in fact allow child marriage and remains very reluctant for passing amendments regarding this issue.

The recent prominence of child marriage in Lebanon has opened the eyes of the civil society to take a stance and advocate against the independent personal status system in the country. Little scholarly research has been done to demonstrate where and how the legal system falls short in addressing such a critical matter. This paper aims to close the gap in the existing academic literature on the personal status system in Lebanon and women's rights. Furthermore, efforts of the international community on children's rights, particularly early marriage are recorded in this thesis along with Lebanon's unwillingness to properly execute new measures granting women and children their deserved rights. To investigate these issues, this study applies a human rights framework to the following research question: How does the Lebanese legal system allow for child marriage, particularly among refugees?

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Chapter 1

I. Introduction

Since the outbreak of the conflict in Syria in 2011 following the atrocious acts of the Arab spring, more than 470 000 individuals have been killed, and more than 9 million displaced.¹ Today, Lebanon, a small country neighboring Syria hosts the largest number of refugees per capita, with more than two million refugees residing in the country.² The hosting of refugees in Lebanon dates from 1948 when hundreds of thousands of Palestinian citizens fled Palestine following the events of the Nakba, Israel's unlawful dominance over the land.³ While the Lebanese authorities were welcoming at first and relied on encampment policies with the Palestinian immigrants, the exact opposite happened with the Syrian community. The previous mismanagement of the Palestinian refugee camps, coupled with the high intake of Syrian asylees further aggravated the tensions in Lebanon, which pushed the authorities to approach the Syrian refugee crisis differently.⁴

¹ HRW, "World Report 2017: Rights Trends in Syria," Human Rights Watch, January 09, 2018. <https://www.hrw.org/world-report/2017/country-chapters/syria>.

² Rola Yasmine, and Catherine Moughalian, "Systemic Violence against Syrian Refugee Women and the Myth of Effective Intrapersonal Interventions," *Reproductive Health Matters* 24, no. 47 (2016): 31. <https://www.jstor.org/stable/26495888>.

³ Jad Chaaban and others, "Socio-Economic Survey of Palestinian Refugees in Lebanon", *AUB*, December 31, 2010, ix, American University of Beirut (AUB) and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). <https://www.unrwa.org/userfiles/2011012074253.pdf>

⁴ HRW, "Lebanon: At Least 45 Local Curfews Imposed on Syrian Refugees," Human Rights Watch, October 3, 2014, <https://www.hrw.org/news/2014/10/03/lebanon-least-45-local-curfews-imposed-syrian-refugees>.

Lebanon imposed harsh discriminatory measures on refugees, making it hard for them to lead normal lives. These measures include, but are not limited to illegal curfews, paid residency permits, smuggling, and exploitation.⁵ The majority of registered Syrian refugees reside in informal camps around the borders, while others sought legal and illegal refuge all over the country.⁶ Although Lebanon maintained a policy of open borders and did not resort to the principle of forced encampment, the situation of Syrian refugees is critical. In fact, according to the United Nations Population Fund (UNFPA),⁷ there is an alarming increase in child marriages in Lebanon, especially among the most vulnerable population, with 41 percent of Syrian women being married before they reached eighteen.⁷ This is in part due to the cultural beliefs embedded in the patriarchal nature of the Syrian community, but also as a consequence of the harsh living conditions they are enduring.

The United Nations Human Rights Office of the High Commissioner (OHCHR), defines child marriage as "any marriage where at least one of the parties is under 18 years of age".⁸ Such marriage is not limited to a marriage comprising a minor, but instead considered as a form of coercion, a harmful practice and a human rights violation given the implications it has on the

⁵ Chatty, Dawn, "The Syrian Humanitarian Disaster: Disparities in Perceptions, Aspirations, and Behavior in Jordan, Lebanon and Turkey," *IDS Bulletin* 47, no.3 (2016), doi: 10. 19088/1968-2016.142 <http://bulletin.ids.ac.uk/idsbo/article/view/2728/HTML>.

⁶ Sonia, Grieco, "Preventing the Emergence of a Lost Generation Education among Syrian Refugees in Lebanon," *Reset Dialogues on Civilizations | a Venue for All Tribes*, November 13, 2017, 1. <https://www.resetdoc.org/story/education-syrian-refugees-lebanon/>.

⁷ UNFPA, "New Study Finds Child Marriage Rising among Most Vulnerable Syrian Refugees." *United Nations*, 2016. <https://www.un.org/youthenvoy/2017/02/new-study-finds-child-marriage-rising-among-vulnerable-syrian>

⁸ OHCHR, "Child, Early and Forced Marriage, including in Humanitarian Settings." OHCHR | *Freedom of Religion: UN Expert Hails Albania, but Notes New Challenges and Unresolved Issues from the past*. <https://www.ohchr.org/en/issues/women/wrgs/pages/childmarriage.aspx>.

rights of young women. Research has shown that victims of child marriage suffer adverse health repercussions such as chronic pain, pregnancy complications, death during labor, and Obstetric Fistula a condition that leaves women incontinent of their bladder.⁹ Mental health problems such as anxiety, depression, Post-Traumatic Stress Disorder (PTSD), and severe antisocial behaviors are also common among girls that are married early.¹⁰ While many, especially in low and developing countries, believe early marriages to be beneficial to girls, and have limited effects on their healthy development, one can argue that the opposite is unquestionably exact. Child marriages force girls to leave their education behind, refrain them from developing into their full potential, strip them from their childhood, deprive them of their freedom, disempower them, and are correlated with future experience of intimate partner violence.¹¹

In Lebanon, there are fifteen personal status laws and no minimum age required for marriage. This allows girls as young as 9 years old to marry, leaving their childhood, education, health, and normal development behind. Moreover, due to the corrupt government, the discriminatory policies imposed on refugees, as well as, the insufficient financial, social, and healthcare services, parents are marrying off their daughters in order to be able to afford the fees imposed on them, and reduce their household expenses.¹² Similarly, the rise in child marriage

⁹ Tahera, Ahmad, "Child Marriage: A Discussion Paper." *Bangladesh Journal of Bioethics* 6, no. 2 (2015): 8, doi:10.3329/bioethics.v6i2.25740.

¹⁰ Donald Greydanus and others, "A Review of Child Sexual Abuse," *International Journal of Child and Adolescent Health* 10, no. 3 (2017): 292.
<http://ezproxy.cul.columbia.edu/login?url=https://search-proquest-com.ezproxy.cul.columbia.edu/docview/1992203750?accountid=10226>.

¹¹ Girls Not Brides, "What Is the Impact of Child Marriage?" Girls Not Brides.
<https://www.girlsnotbrides.org/what-is-the-impact/>.

¹² Heba Kalso, "Struggling to survive, Syrian refugees in Lebanon fall deeper into debt." *Reuters*, December 27, 2018, <https://www.reuters.com/article/us-lebanon-refugees-poverty/struggling-to-survive-syrian-refugees-in-lebanon-fall-deeper-into-debt-idUSKCN1OQ0DZ>

among the Syrian immigrants was also associated with the lack of protection inside the informal camps.¹³ Thus, the rise in child marriage is partially the result of the harsh living conditions, insufficient services, and the legal system governing Lebanon.

II. Research Design

Research Question and Plan

The primary goal of this research is to understand how the Lebanese legal system allows for child marriages, despite being signatory to international treaties, such as CEDAW and the CRC. The piece also investigates other factors affecting the rise in child marriages in the country, as well as the efforts made to combat it.

To fulfill this objective, this dissertation is divided into six chapters. The second chapter explores the existent literature behind the occurrence of child marriage. The third chapter gives an overview of the factors contributing to the increase in child marriages among refugees in Lebanon particularly. It depicts how the lack of access to education, lack of safety in the camps, as well as the cultural beliefs embedded in the Syrian community, have contributed highly to the rise in child marriages. The fourth chapter investigates how the national legal framework specifically allows for child marriage, despite Lebanon's commitment to International treaties. It looks at the dynamics governing Lebanon's political and legal systems and serves to highlight how the personal status system is the primary reason behind Lebanon's unresponsiveness to the rise in child marriages. The analysis is based on interviews I collected from major Lebanese NGOs, and lawyers working on refugees, women, and children's rights. The fifth part underlines the previous efforts and reforms taken by the civil society and the government to abolish child

¹³ Romola Sanyal, "Managing through Ad Hoc Measures: Syrian Refugees and the Politics of Waiting in Lebanon," *Political Geography* 66 (2018), 67 doi:10.1016/j.polgeo.2018.08.015

marriage. It investigates the previous recommendations made by the international community, and then presents the activism of the civil societies, as well as the limited governmental efforts taken on the ground. The final chapter serves to present specific recommendations Lebanon should endorse to give end to early and forced marriages.

Significance

Child marriage affects more than twelve million girls every year.¹⁴ By 2030, Plan International estimates that more than 150 million girls could become child brides.¹⁵ This phenomenon is alarming given the consequences correlated with child marriage, specifically intimate partner violence, health dangers associated with early pregnancy, and severe mental health problems such as depression, anxiety, anger, Post-Traumatic Stress Disorder (PTSD), antisocial behaviors, chronic pain, and long term poverty.¹⁶ Similarly, The United Nations Population Fund (UNFPA) describes child marriage as one that “robs girls of their girlhood, entrenching them and their future families in poverty, limiting their life choices, and generating high development costs for communities.”¹⁷ The nature of child marriage has drastically changed over the years. In the past, child marriage was mainly driven by cultural as well as religious factors. However, today, the highest rates of child marriages are among the most vulnerable and

¹⁴ Girls Not Brides, “My Daughter Demands More’: The Men Fighting Child Marriage in Lebanon,” *Public Radio International*, <https://www.pri.org/stories/2018-01-19/my-daughter-demands-more-men-fighting-child-marriage-lebanon>.

¹⁵ Plan International, “Child Marriage.” *Plan International*, <https://plan-international.org/sexual-health/child-early-forced-marriage>, 2016.

¹⁶ Human Rights Watch, “Marry before your house is swept away”, *Child Marriage in Bangladesh*, June 2015, 3. <https://www.hrw.org/world-report/2016/photo-essay-child-marriage-bangladesh>

¹⁷ UNFPA, “Marrying too young: End Child Marriage,” *United Nations Populations Fund*, 2012, <http://unfpa.org/sites/default/files/pub-pdf/MarryingTooYoung.pdf>, pp.4 and 11.

the displaced. Child marriage has become the product of economic insecurity, political instability, mental health problems, and lack of education.¹⁸ These factors are serious human rights violations that the majority of the Syrian population residing in Lebanon face today.

Methods

In June 2019, I was in Lebanon conducting my research. I interviewed three NGOs working on issues related to child abuse, women's rights, and the Syrian community. The interviews were semi-structured and qualitative in nature. In addition to NGOs, I got the chance to interview a lawyer running the mental health and human rights departments at the Ministry of Health. All the interviews were conducted in English and Arabic. The interviews yielded the same results that are discussed in details below. To preserve confidentiality, I referred to the interviews with letters.

Chapter 2: Determinants of Child marriage

2.1 Literature Review

Humanitarian settings

Today, a vast majority of refugees are not registered and thus live in informal settlements where the rates of sexual as well as physical abuse are elevated.¹⁹ While a great deal of settlements are located around the borders, others are close to urban areas. In their study, Mourtada et al shed light on the different power dynamics that take place within different

¹⁸ David Reichel, "Determinants of Intimate Partner Violence in Europe: The Role of Socioeconomic Status, Inequality, and Partner Behavior," *Journal of Interpersonal Violence* 32, no. 12 (2017): 1853-873. doi:10.1177/0886260517698951

¹⁹ United Nations, "UNHCR Study Uncovers Shocking Sexual Violence against Syrian Refugee Boys, Men," UNHCR, December 06, 2017. <https://www.unhcr.org/news/press/2017/12/5a27a6594/unhcr-study-uncovers-shocking-sexual-violence-against-syrian-refugee-boys.html>.

communities in a country. Among the many differences that were addressed included religious beliefs, economic status, citizenship status, and cultural principles.²⁰ When two cultures merge, one will always look at the second as the “other” or dangerous one, a case seen among the Syrian community residing in Lebanon. For instance, the research shows that Syrian parents are scared of their daughters being influenced by the Lebanese culture which is known to be more open and more liberal than their own.²¹ For instance, a father stopped sending his daughter to school because of the belief that the school was both empowering her as well as educating her on her principle rights.²² As a result, he resorted to marrying his daughter off, and sent her to another district, keeping her away from her school, friends, and family.²³ Thus, it remains evident that religious and cultural principles remain the driving forces in the fate of many young children and their future.

Another factor that comes into play in a functional community is a sense of union that must persist. Refugees are often victims of abuse and discrimination which pushes them to seek support and protection from their own community. For example, the authors highlighted how some Syrian refugees were concerned about their daughter’s friendships with Lebanese males as they don’t share the values and norms of their community and that they could possibly harm them.²⁴ As a result, they preferred marrying their daughters early to ensure that these forms of

²⁰ Rima Mourtada, Jennifer Schlecht, and Jocelyn Dejong, "A Qualitative Study Exploring Child Marriage Practices among Syrian Conflict-affected Populations in Lebanon," *Conflict and Health* 11, no. S1 (2017), 58, doi:10.1186/s13031-017-0131-z.

²¹ *Ibid.*, 58.

²² Nadine El Kobrousli, (Interview A).

²³ *Ibid.*

²⁴ Mourtada et al., 58.

social interactions do not take place. The same concern was also seen among Chergashe Roma parents resettled in Serbia, Bosnia Herzegovina and Germany²⁵. Though the majority of the Roma population is Christian, the idea of protection against sexual exploitation is of great relevance. In their study, Bocnjak and Acton trace the pattern of child marriage amongst this population back to the times of slavery. During that time, slaves used to marry off their daughters in order to protect them from their owners.²⁶ While the patterns of exploitation during the period of slavery were extremely unjust, exploitation inside refugee camps follow a similar path. As a result of the increased “Romaphobia,” and sexual exploitation experienced by the Romani population, the latter reinforced their gender role divisions, and their marital unions.²⁷ The same pattern can be observed within the refugee camps in Lebanon, where a majority of Syrian and Palestinian refugees resorted to forced marriages in an effort to maintain the continuation of their lineage. Thus, one can conclude that during times of migration and hardships associated with it, a sense of belonging to one’s own community intensifies. This in turn pushes individuals to take any measure, including a disregard of social norms, in order to preserve this union. Child marriage for example, is one of many practices refugees adopt in order to protect themselves and uphold their values.

Cultural norms

It is well established that religion as well as social and cultural norms such as purity and patriarchy have been extensively examined in relation to child marriage. On one hand, many

²⁵ Branislava, Bošnjak, and Thomas Acton. “Virginity and Early Marriage Customs in Relation to Children's Rights among Chergashe Roma from Serbia and Bosnia.” *The International Journal of Human Rights* 17, no. 5-6 (2013): 648. <https://doi.org/10.1080/13642987.2013.831697>.

²⁶ Bosnjak et al., 649.

²⁷ Bosnjak et al., 649.

scholars looked at the practice of child marriage in Islamic communities such as Bangladesh and Syria, while others focused thoroughly on embedded cultural norms and traditions among different societies. The research indicated that in most patriarchal societies and developing countries, where religious and conservative cultures dominate, child marriages are recurrent.

Marriage as an obligation was the first theme explored in the literature. In most patriarchal and Muslim societies, marriage is inevitable.²⁸ The reason behind this, is the concept of “Al sutra” commonly defined as protection.²⁹ Islam emphasizes the concept of chastity and imposes it on both men and women. However, nowadays, the pressure is solely placed on the girl. For example, procreation in Bangladesh was found to be extremely important and could only be met with a legal union, often referred to as “marriage”. Thus, marriage is considered as a divine obligation.³⁰ Additionally, religious parents are also extremely protective of their daughters’ purity. They believe that any violation to the girl’s virginity will either render her unwanted by other men or punished by God.

Another rampant controversial belief is that young women are better at procreation.³¹ This conviction is widespread among rural communities where the majority of the population is uneducated. These communities consider young women to be at a lower risk of experiencing pregnancy complications and miscarriages.³² They also believe that young ladies are more

²⁸ Farah Deeba, Chowdhury, “The Socio-Cultural Context of Child Marriage in a Bangladeshi Village.” *International Journal of Social Welfare* 13- 3 (2004): 247. doi:10.1111/j.1369-6866.2004.00318.x.

²⁹ Mourtada et al., 59.

³⁰ Farah Deeba, Chowdhury, “The Socio-Cultural Context of Child Marriage in a Bangladeshi Village,” 247.

³¹ *Ibid.*,247.

³² *Ibid.*,247.

sexually active than older women which makes them more wanted.³³ As a result, parents often resort to child marriage to prevent men from desiring their daughters, and protect the girls from a bad reputation and religious sanctions.³⁴ The concept of “AL sutra” was also seen among Syrian refugees in Lebanon, where child marriages have been on the rise.³⁵ In their study Rima Mourtada et al., found that a large number of families resorted to child marriage in order to protect their girls from unwanted harm, mainly rape.³⁶ The fear stems from the dire situation governing the refugee camps, where exposure to sexual and domestic violence is enormously high.³⁷

Son preference was another driver of child marriage highlighted in the literature. Farah Chowdhury looked at the pattern of child marriage in Bangladesh, focusing on the cultural drivers that pushes parents to marry of their underage girls in rural settings.³⁸ Chowdhury’s research broke down the concept of social values into cultural norms embedded in a given society, and the religious aspect behind the harmful practice. She shed lights on the discriminatory practices that take place in patriarchal societies, where “Son preference” is at the forefront of these practices.³⁹ Being born as a girl in a deeply male-controlled society is highly

³³ Ibid.,247.

³⁴ Ibid., 248.

³⁵ Mourtada et al., 58.

³⁶ Ibid., 58.

³⁷ Jinan, Usta, Amelia Reese Masterson, and JoAnn M. Farver. “Violence Against Displaced Syrian Women in Lebanon.” *Journal of Interpersonal Violence* 34, no. 18 (October 2016): 3772. doi:10.1177/0886260516670881.

³⁸ Chowdhury, 244.

³⁹ Ibid., 244.

disadvantageous for the women. In fact, women are often considered as a burden to the family and accorded inferior status.⁴⁰ They are often oppressed all of their lives, and only recognized in relation to their marital status.⁴¹ On the other hand, males are perceived as the backbone of the family, and the ones worth sacrificing for. Men are the main financial source of the family and the ones preserving its lineage.⁴² Consequently, parents perceive that education is useless for girls as they will eventually marry and not contribute to the household.⁴³ This concept is not a mere result of the patriarchal cultures, rather it is also mentioned in Islam, where women have no obligation to financially contribute to the household.⁴⁴ However, in this context Islam gives women power and respect rather than consider them as a burden. Indeed, the Koran establishes that women are allowed to be financially independent and have control over their personal assets.⁴⁵ However, due to the economic burdens that families endure in times of hardship, instead of respecting the divine text, fathers end up perceiving their daughter's right to economic independence as a threat. Similarly, fathers' obligation to financially provide for the family becomes a burden that often pushes them to send their daughters away, by marrying them off.

Economic Vulnerability and Psychological distress

⁴⁰ Ibid, 244.

⁴¹ Ibid, 244.

⁴² Ibid., 248.

⁴³ Ibid., 248.

⁴⁴ Ibid., 244.

⁴⁵ Ibid. ,248.

As stated above, previous research has shown that in many communities, parents resort to child marriage as a mean to protect their daughters from potential harm.⁴⁶ Additionally, a great body of literature indicates that low socio-economic status, harsh living conditions, previous exposure to violence, and parents' psychopathology often push the caregivers to become violent and neglectful towards their children.⁴⁷ In fact, the relationship between economic hardship and overall child maltreatment is a fruitful one that has attracted the attention of many scholars. While poverty has been shown to be a consequence of early childhood maltreatment, a great deal of scholars looked at how it could be a risk factor of this social ill. ⁴⁸

Childhood maltreatment can take different forms ranging from physical, sexual, and psychological abuses to neglect.⁴⁹ Although "neglect" was not thoroughly investigated in Stark and Landis's article, I found it to be the most relevant to the concept of child marriage. Neglect is commonly defined as the inability to meet someone's needs or put them in danger of physical or emotional harm.⁵⁰ In their literature review of more than twenty articles, Stark and Landis found that physical and sexual abuse were particularly experienced by children in post migration

⁴⁶ Mourtada et al., 16.

⁴⁷ Eveline M., Euser, and others, "Elevated Child Maltreatment Rates in Immigrant Families and the Role of Socioeconomic Differences." *Child Maltreatment* 16, no. 1 (February 2011): 63, doi:[10.1177/1077559510385842](https://doi.org/10.1177/1077559510385842).

⁴⁸ Johan De Smedt, "Child Marriages in Rwandan Refugee Camps," *Africa: Journal of the International African Institute* 68, no. 2 (1998): 211. <http://www.jstor.org/stable/1161279>.

⁴⁹ Lindsay Stark, and Debbie Landis, "Violence against Children in Humanitarian Settings: A Literature Review of Population-based Approaches." *Social Science & Medicine* 152 (2016): 126. doi: 10.1016/j.socscimed.2016.01.052

⁵⁰ Lindsay Stark, and Debbie Landis, "Violence against Children in Humanitarian Settings: A Literature Review of Population-based Approaches." 126.

settings.⁵¹ Increased violence towards children in humanitarian settings can be explained by previous exposure to trauma, the current situation that asylum seekers are in, and the interaction of these factors on the mental health of both parents and children.

While refugees flee their countries in order to escape political violence, they fail to leave the burden of war behind. In fact, the atrocities of war do not end once someone crosses the borders. Uncertainty of Asylum status, overcrowding of asylum centers, discrimination, lack of income and loss of loved ones are factors that have been noted to contribute to the psychological stress of parents in forced migration settings.⁵² In a study conducted by Vivian Khamis, a reputable Palestinian scholar, child maltreatment appeared to be a consequence endured by Palestinian refugee children who lacked emotional support, and suffered from economic hardship, as well as unequal access to material resources.⁵³ Khamis also emphasized how economic hardship and previous exposure to violence were positively correlated with the family's inability to care for their children and later engagement in child maltreatment.⁵⁴

In agreement with these findings, another study conducted in Cambodian refugee camps highlighted how neglect and child marriages were most conspicuous in families in which parents suffered from depression and Post Traumatic Stress Disorder (PTSD).⁵⁵ The authors found that

⁵¹ Karin Riber, "Trauma Complexity and Child Abuse: A Qualitative Study of Attachment Narratives in Adult Refugees with PTSD," *Transcultural Psychiatry* 54, no. 5-6 (2017): 840-69. doi:10.1177/1363461517737198.

⁵² Eveline Euser et al., "Elevated child Maltreatment Rates in Immigrant Families and the Role of Socioeconomic Differences", 68.

⁵³ Vivian Khamis, "Child Psychological Maltreatment in Palestinian families", *Child Abuse and Neglect* 24, no. 8 (2000), 1054.

⁵⁴ *Ibid.*, 1054.

⁵⁵ Janet Chang et al., "Child Abuse and Neglect in Cambodian Refugee Families: Characteristics and Implications for Practice," *Child Welfare* 87, no.1 (2008) 154,

children were most likely to experience neglect compared to other forms of abuse.⁵⁶

Furthermore, Banyard Williams and Siegal also found that parental difficulties, physical abuse and neglect are the results of parental exposure to trauma.⁵⁷

Although the research mentioned above did not tackle the issue of child marriage as an independent factor, it did so by placing it under the umbrella term of child maltreatment. The issue of child marriage or the broader term of child maltreatment can be explained through a variety of models. On one hand, the link between economic hardship and child marriage can be explained by the social exchange theory, which proposes that behavior is the result of an exchange process, and the Utilitarian assumption that emphasizes how human behavior is driven by rewards.⁵⁸ In fact, Blau and Homans suggest that human behavior is only motivated by rewards, and the driver behind any social relation is personal benefit.⁵⁹ Thus, one can hypothesize that refugees and the most vulnerable will marry off their daughters with the hope of alleviating the family's economic situation, by either decreasing their costs or by receiving money from the groom's family (al mahr), a tradition practiced in Islam.⁶⁰

<http://ezproxy.cul.columbia.edu/login?url=https://search-proquest-com.ezproxy.cul.columbia.edu/docview/213803930?accountid=10226>.

⁵⁶ Janet Chang et al., "Child Abuse and Neglect in Cambodian Refugee Families: Characteristics and Implications for Practice," 154

⁵⁷ Victoria L., Banyard, and others, "The Impact of Complex Trauma and Depression on Parenting: An Exploration of Mediating Risk and Protective Factors." *Child Maltreatment* 8, no. 4 (November 2003): 341, doi:[10.1177/1077559503257106](https://doi.org/10.1177/1077559503257106).

⁵⁸ Kendra Cherry, "Understanding Social Exchange Theory in Psychology," *Very well Mind*, March 15, 2019. <https://www.verywellmind.com/what-is-social-exchange-theory-2795882>; Mourrada et al., 40.

⁵⁹ Chowdhury, 246.

⁶⁰ *Ibid.*, 249.

On the other hand, the harmful practice can also be explained by the family stress model which focuses on the relationship between economic stress and overall family functioning.⁶¹ In fact, Masarik and Conger argue that prolonged personal distress leads to weaker family bonds, disrupts parenting and puts children at greater risk from experiencing abuse.⁶² Similarly, Karin Riber argues that low socio economic status negatively affects parents' mental health, which in turn leads to disruptive parenting behaviors and child outcomes.⁶³ Thus, child marriage is the result of a combination of factors that could be linked together and explained by different theoretical models.

Chapter 3: Determinants of Child Marriage in Lebanon

3.1 Violence in Camps

Often, refugees enter the country of asylum with one goal in mind: fleeing threat and persecution. Refugee Camps are therefore constructed to meet individuals' immediate needs such as "food, and shelter."⁶⁴ However, conflicts turn into wars and days turn into years of asylum and refuge with no long-term resolution in place. Thus, the goal of fulfilling immediate needs gradually develops into meeting more significant goals, such as safety, economic independence, health services, and education.⁶⁵ Nonetheless, due to a lack of consensus around the

⁶¹ April S., Masarik, and Rand D. Conger. "Stress and Child Development: A Review of the Family Stress Model." *Current Opinion in Psychology* 13 (2017): 87, doi: 10.1016/j.copsyc.2016.05.008.

⁶² Masarik and Conger, 85.

⁶³ Karin Riber, A Qualitative Study of Attachment Narratives in Adult Refugees with PTSD." *Transcultural Psychiatry* 54, no. 5-6 (2017): 841.

⁶⁴ Svetlana Sytnik, "Rights Displaced: The Effects of Long-term Encampment on The Human Rights of Refugees," *Refugee Law Initiative*, May 2012, 12, <https://sas-space.sas.ac.uk/4691/>

⁶⁵ *Ibid.*, 12.

establishment and management of camps, these greater goals are often hard to achieve.⁶⁶ Similarly, if not appropriately managed, camps can also turn into a dangerous place, further exposing individuals to violence and threat.⁶⁷ In Lebanon, no formal camps were established in response to the Syrian crisis due to the previous mismanagement of the Palestinian camps, and Lebanon's noncompliance to the Geneva Convention. As a result, refugees have been residing in informal settlements where the rates of physical and sexual abuse are alarming.⁶⁸

A study conducted in 2016 highlighted the hardships that displaced women continuously suffer from in Lebanon and how, in turn, it affects their children's future. Previous research has depicted the living conditions of the Syrian refugees as dire, with the majority marked as highly discriminated against and living under the poverty line.⁶⁹ The violence and discrimination experienced by Syrian men outside the camps, coupled with economic instability, pushes them to take out their frustration on their spouses and children inside their "homes."⁷⁰ In fact, according to the interviews conducted by Jinan Usta et al., women asserted that their husbands often released their stress by physically abusing them and their children.⁷¹ Additionally, women and girls also reported being threatened to be sent back to Syria if they rebelled against the decisions

⁶⁶ Ibid., 12

⁶⁷ Svetlana, Sytnik "Rights Displaced: The Effects of Long-term Encampment on The Human Rights of Refugees," 10.

⁶⁸ Pamela Lilleston, "Evaluation of a Mobile Approach to Gender-based Violence Service Delivery Among Syrian Refugees in Lebanon," *Health Policy and Planning* 33, no.7 (2018): 768, doi: 10.1093/heapol/czy050

⁶⁹ URDA, "Statistics." Number of Syrian Refugees in Lebanon. January 1, 2017, <http://urda.org.lb/en/details.aspx?ID=1426>

⁷⁰ Jinan Usta, and others, "Violence Against Displaced Syrian Women in Lebanon," 3772.

⁷¹ Ibid., 3772.

of the male figures in the family.⁷² For instance, if a father decides to marry his daughter to a stranger or a member of the community that she does not approve of, she is left with nothing but to comply with her father's decision, or else she would be severely beaten.⁷³ The violence experienced by young Syrian women has been a recurrent phenomenon in Lebanon, where many girls were forced into unwanted unions only to escape violence perpetrated by their loved ones as well as strangers.⁷⁴

Violence leading to early marriages is not confined to physical abuse but is also the result of sexual harassment and rape.⁷⁵ As noted in the literature, the Syrian community is deeply patriarchal and conservative in nature and perceive displacement as a factor that exposes girls to sexual harassment and rape.⁷⁶ Similarly, the concept of virginity and "AL-Sutra" (protection) is extremely vital to them, as it determines the girl and the family's reputation.⁷⁷ In fact, Syrian parents are tremendously caught up in preserving their honor and protecting their women from potential harm.⁷⁸ As a result, they often end up engaging in measures that harm women but are socially acceptable. They perceive early marriage as a phenomenon that would protect their

⁷² Ibid., 3773.

⁷³ Ibid., 373.

⁷⁴ Nadine El Kobrousli, Interviews A, B, C, D

⁷⁵ Hala, Nader, "Violence Against Refugee Women and Mitigation Programs: Highlighting the Perspective of Syrian Refugees in Lebanon." *Master of Arts*, August 2018, 79, <https://dalspace.library.dal.ca/bitstream/handle/10222/74155/Nader-Hala-MA-IDS-August-2018.pdf?sequence=3&isAllowed=y>.

⁷⁶ Hala, Nader, "Violence Against Refugee Women and Mitigation Programs: Highlighting the Perspective of Syrian Refugees in Lebanon," 79.

⁷⁷ Ibid., 79

⁷⁸ Ibid., 79.

daughters from rape and other sexual incidents.⁷⁹ For instance, child marriage is a recurrent practice the Syrian community gravitated towards, in order to protect their daughters and preserve the family's reputation.⁸⁰ For example, in cases of rape involving young women, parents married their daughters off to their rapist in an effort to avoid criticism and future religious sanctions.⁸¹ Unfortunately, this practice's continuous occurrence, which completely disregards a woman's well-being and basic rights often goes unreported due to the patriarchal reasoning governing the Syrian community.

3.2 Discrimination

Another factor adding to the frustration of Syrian parents, manifested by unjust practices towards their children, is the continuous discrimination by the Lebanese authorities, and the implication it has on their financial situation. The authorities imposed harsh discriminatory measures limiting refugees' mobility and employment opportunities. For instance, the majority of municipalities imposed unlawful curfews on Syrians, not allowing them to leave the informal camps they live in, nor be able to navigate freely. For example, in "Marjaayoun," a major city located in the south of Lebanon, Syrians were not allowed to go out between 7 pm, and 7 am.⁸² These curfews not only restricted the individuals' freedom of movement but also terminated work contracts that a minority of Syrians were lucky to find.⁸³ Also, the new border entry

⁷⁹ Ibid., 79.

⁸⁰ Ibid., 79

⁸¹ Nadine El Kobrousli, Interviews B and C.

⁸² John Davison, "Syrians in Lebanon Hit by Arrests, Curfews and Hostility After..." *Reuters*, July 25, 2016, <https://www.reuters.com/article/us-mideast-crisis-syria-lebanon/syrians-in-lebanon-hit-by-arrests-curfews-and-hostility-after-bombings-idUSKCN1051KO>.

⁸³ Ibid., 1.

regulations introduced in 2015 had drastic consequences on the refugee community.⁸⁴ Previously, Syrians were allowed to enter, stay in the country for six months, and “renew their residencies virtually free of charge.”⁸⁵ However, as a response to the high intake of refugees, the Lebanese government broke this agreement and ended its policy of open-border, imposing a 200 dollar annual fee on refugees above the age of fifteen.⁸⁶ Refugees were asked to present hard-to-reach identification papers about their current residence, or else they would be sent back to war-torn Syria.⁸⁷ As a result, parents started looking for ways to ensure their legal stay in the country.

Child marriage and child labor were major tactics that helped them accomplish this goal. Particularly, Syrian parents would either choose to marry their daughters to Syrian men in exchange for the dowry which would serve as a source for financing the annual fee imposed by the Lebanese government. Another way to ensure financial stability was through marrying their daughters to wealthy elder Lebanese men who would be willing to pay not only the dowry but also agree to sponsor the family. Another advantage that has pushed parents to marry their children to Lebanese nationals would be for their daughters to obtain Lebanese citizenship given

⁸⁴ HRW, Lebanon: Residency Rules put Syrians at Risk, January 12, 2016.

⁸⁵ Haley Bobseine, “‘I Just Wanted to Be Treated like a Person’: How Lebanon's Residency Rules Facilitate Abuse of Syrian Refugees,” *Human Rights Watch*, April 18, 2018, 1. <https://www.hrw.org/report/2016/01/12/i-just-wanted-be-treated-person/how-lebanons-residency-rules-facilitate-abuse>.

⁸⁶ Racheal Spencer, and others, “Gender Based Violence Against Women and Girls Displaced by the Syrian Conflict in South Lebanon and North Jordan: Scope of Violence and Health Correlates,” *Alianza por la Solidaridad and the Spanish Agency for International Development* (2015), 10, <https://www.alianzaporlasolidaridad.org/wp-content/uploads/GBV-Against-Women-and-Girl-Syrian-Refugees-in-Lebanon-and-Jordan-FINAL.pdf>

⁸⁷ Haley Bobseine, “‘I Just Wanted to Be Treated like a Person’: How Lebanon's Residency Rules Facilitate Abuse of Syrian Refugees,” 1.

that men can pass nationality to their wives and children, whereas, women cannot. ⁸⁸ Similarly, through the limited services provided by the government such as Medicaid, young brides can take advantage not only for themselves but for the family as well.

3.3 Lack of Access to Education

Lack of access to education and violence inside the schools remain as other factors leading to child marriage among the Syrian community. In 2018, less than half of the Syrian children were enrolled in formal education, despite the Lebanese Ministry of Education and Higher Education's effort in taking positive steps to ensure education reaches all school-aged children. ⁸⁹ The ministry waived school enrollment fees and allowed refugees to register their kids in public schools without providing proof of residency.⁹⁰ It also opened secondary shifts to comply with the " Reaching All Student Children with Education (RACE) policy" adopted in 2014.⁹¹ Nevertheless, due to a poor and corrupt public system, a great number of refugee children today remain deprived of this right.⁹² In 2015, Lebanon received 1.17 Billion dollars in donor aid, fully covering educational appeals.⁹³ However, only 158,321 children of the nearly

⁸⁸ HRW, "Lebanon: Discriminatory Nationality Law." Human Rights Watch, November 12, 2018, 1. <https://www.hrw.org/news/2018/10/03/lebanon-discriminatory-nationality-law>.

⁸⁹Chloe Domat, "Lebanon Public Schools Welcome Syria's Displaced Children." *FRANCE 24*, May 20, 2016, 1. <http://webdoc.france24.com/lebanon-syria-war-displaced-children-school/>.

⁹⁰ Bassam Khawaja, "Growing Up Without an Education": Barriers to Education for Syrian Refugee Children in Lebanon.' *Human Rights Watch*, June 6, 2017, 3. <https://www.Hrw.Org/Report/2016/07/19/Growing-without-Education/Barriers-Education-Syrian-Refugee-Children-Lebanon.>"

⁹¹ Bassam, Khawaja, "Growing Up Without an Education": Barriers to Education for Syrian Refugee Children in Lebanon," 4.

⁹² Nadine El Kobrousli, Interviews A, B, C, D.

⁹³ Bassam, Khawaja, "Growing Up Without an Education": Barriers to Education for Syrian Refugee Children in Lebanon," 20.

500 000 school-aged children were enrolled in public schools, leaving more than 250,000 behind.⁹⁴ In 2018, contraindicating its previous open policy, MEHE limited public school enrollments to previously enrolled Syrian students due to budgetary and capacity restraints, denying the newest generation of refugees their most fundamental right, turning them into a lost generation governed by early marriages.⁹⁵ The decision came following years of insufficient funds, straining infrastructures, and a growing number of refugee children.⁹⁶ While the ministry implemented positive steps to ensure a high number of school enrollment, school officials were not as receptive.⁹⁷

According to Human Rights Watch, school directors imposed enrollment conditions on refugees, asking them to present documentation that they could not provide.⁹⁸ In concordance with these findings, another study conducted in 2018 by Bill Van Esveld, highlighted high rates of violence in public and private schools in Lebanon resulting in mass dropouts.⁹⁹ Syrian kids asserted being humiliated, as well as physically and verbally abused by school teachers, supervisors, and bus drivers.¹⁰⁰ Physical violence ranged from repeated whipping with different

⁹⁴ Ibid.

⁹⁵ HRW, "Lebanon: Stalled Effort to Get Syrian Children in School." Human Rights Watch. December 13, 2018. <https://www.hrw.org/news/2018/12/13/lebanon-stalled-effort-get-syrian-children-school>.

⁹⁶ Nadine El Kobrousli, Interview B.

⁹⁷ Bassam, Khawaja, "Growing Up Without an Education": Barriers to Education for Syrian Refugee Children in Lebanon," 30.

⁹⁸ Ibid.

⁹⁹ Bill Van Esveld, "'I Don't Want My Child to Be Beaten' | Corporal Punishment in Lebanon's Schools," May 13, 2019. <https://www.hrw.org/report/2019/05/13/i-dont-want-my-child-be-beaten/corporal-punishment-lebanons-schools>.

¹⁰⁰ Bill, Van Esveld, "'I Don't Want My Child to Be Beaten' | Corporal Punishment in Lebanon's Schools,"¹⁰.

tools to slapping, hair pulling, hand slamming, and pushing into walls.¹⁰¹ Students also reported being verbally abused, fearing expulsion, and denied access to bathrooms.¹⁰² Syrian students were also exceedingly bullied due to the educational difficulties they faced. In Lebanon, core classes are taught in either English or French, in comparison to the Syrian system where lessons were taught in Arabic. Coupled with increased discrimination by teachers and students, the unfamiliarity of foreign languages, and the challenging curriculum made it hard for students to adapt and excel in their studies.¹⁰³ The above mentioned, particularly the repeated violence and degrading treatment, pushed parents to stop sending their children to schools.¹⁰⁴

Another factor hindering refugees' access to education is the costs associated with it, as well as the proximity of public schools.¹⁰⁵ While public education is free, transportation and school supplies are not, which makes it hard for refugees to sustain at school.¹⁰⁶ The majority of public schools are located in cities far from the informal tented settlements refugees reside within, making it hard for them to send their children to school without paying for transportation.¹⁰⁷ Human Rights Watch depicted the situation accurately by highlighting how a woman reported enrolling her children in school several times but was not able to keep track of

¹⁰¹ Ibid.,1.

¹⁰² Ibid., 21.

¹⁰³ Ibid., 36.

¹⁰⁴ Ibid., 3.

¹⁰⁵ Maurice Crul, and others, "How the Different Policies and School Systems Affect the Inclusion of Syrian Refugee Children in Sweden, Germany, Greece, Lebanon and Turkey." *Comparative Migration Studies* 7, no. 1 (September 2019), 5. <https://doi.org/10.1186/s40878-018-0110-6>.

¹⁰⁶ Bassam, Khawaja, "“Growing Up Without an Education”: Barriers to Education for Syrian Refugee Children in Lebanon." 43.

¹⁰⁷ Nadine El Kobrousli, Interview A.

transportation fees.¹⁰⁸ Another adverse effect associated with the schools' proximity is protection. According to "Malaak NGO," an organization aimed at ending illiteracy through non-formal education in Syrian refugee camps, protection is another factor that hinders refugees' willingness to send their daughters to school.¹⁰⁹ The interviewee highlighted how parents were reluctant to send their daughters with anonymous drivers or let them walk to school. The unwillingness stems from a concern identified by a vast majority of refugees as alarming around the segregated camps. Parents were mainly afraid of their daughters being subjected to rape by the drivers or strangers around the camps. All such factors have become a vessel in the prominence of child marriage, especially among refugees.

Chapter 4:

National and International Legal Frameworks in Relation to Child Marriage

4.1) CEDAW, Personal Status Laws, and Child Marriage

While many believed 1997 to be a landmark year for Women's Rights in Lebanon, today, Lebanese women still face discrimination in their everyday lives. On April 16, 1997, Lebanon ratified the Convention on the Elimination of All Forms of Discrimination against Women, however, not entirely. The Lebanese government placed reservations on articles 9 and 16 pertaining to equality and family relations.¹¹⁰ Article 9 of the Convention deals with equal rights

¹⁰⁸ Bassam, Khawaja, "Growing Up Without an Education": Barriers to Education for Syrian Refugee Children in Lebanon."43.

¹⁰⁹ GL, "Malaak: Educating Syrian Refugees Displaced in Lebanon." GivingLoop. <https://www.givingloop.org/malaak>.

¹¹⁰ Nada, Khalifeh, "Lebanon's Reservations to the Convention on the Elimination of All Forms of Discrimination Against Women." *Al-Raida Journal*, no. 111-112 (2006), 14, <https://doi.org/10.32380/alrj.v0i0.274>.

to citizenship.¹¹¹ In this regard, Lebanon grants women and men equal rights in acquiring and preserving nationality but restricts women's ability to transfer their nationality to their children if they were married to a foreign man.¹¹² This reservation results from Decree number fifteen of January 19, 1925, also amended in 1960, which defines a Lebanese person as one:

- 1) Born of a Lebanese father
- 2) Born in the Greater Lebanon Territory and did not acquire foreign nationality, upon birth, by affiliation.
- 3) Born in the Greater Lebanon territory of unknown parents or parents of unknown nationality.

Thus, according to the Lebanese constitution, kinship is only granted through patrilineage, leaving women's right to citizenship behind. Similarly, the dichotomy between women and men's rights extends to family laws, further hindering CEDAW's effort in eliminating all forms of discrimination against women. Article 16 of the Convention highlights the State Parties' responsibility in preserving equal rights in issues related to marriage and family relations between the two sexes.¹¹³ Lebanon's reservation of this article results from its personal status laws deeply delegated by religious legislations. The reservations imposed on article 16 do not grant women the same parenting rights and responsibilities as their partners. Additionally, it restricts their enjoyment of equal rights in regards to guardianship, wardship, trusteeship, and

¹¹¹ United Nations General Assembly, Convention on the Elimination of Discrimination Against Women, Article 9, <https://www.ohchr.org/Documents/ProfessionalInterest/cedaw.pdf>.

¹¹² Nada, Khalifeh. "Lebanon's Reservations to the Convention on the Elimination of All Forms of Discrimination Against Women," 15.

¹¹³ Ibid., 16.

adoption of children.¹¹⁴ It also hinders women's personal rights. For instance, women do not have the right to choose a family name; they automatically take their husband's name.¹¹⁵ Similarly, women cannot enjoy the same rights concerning ownership of property. Also, in extreme circumstances, women would have to abandon their desired careers if their husband forces them to.¹¹⁶ Hence, through these reservations, the Lebanese government has further exposed women to injustice and violence.

4.1.1. Personal Status Laws in Lebanon:

The root of the problem governing women's rights issues in Lebanon lies within its Personal Status System stemming from the foundations of the Lebanese Constitution, which gives religion unprecedented importance. Article 9 specifies that "the State shall guarantee to its inhabitants, regardless of their community, the respect of their civil status and religious interests."¹¹⁷ It, therefore, allows communities to follow different rules and regulate their personal matters according to their religious affiliations.¹¹⁸

The Lebanese legal apparatus has been structured around 18 different religious sects that have their own personal status laws throughout the country.¹¹⁹ These laws direct legal procedures

¹¹⁴ United Nations General Assembly, Convention on the Elimination of Discrimination Against Women, Article 16 (f).

¹¹⁵ Ibid., Article 16 (g).

¹¹⁶ Ibid.

¹¹⁷ Lebanese Constitution, Article 9, https://www.constituteproject.org/constitution/Lebanon_2004.pdf?lang=en.

¹¹⁸ KAFA, "Zalfa's Questions on the Personal Status Laws in Lebanon." كفى, January 10, 2016. <https://www.kafa.org.lb/en/node/135>, 1.

¹¹⁹ UNICEF, "LEBANON - Unicef.org," 2011, 3. <https://www.unicef.org/gender/files/Lebanon-Gender-Eqaulity-Profile-2011.pdf>.

that address issues such as marriage, divorce, and inheritance. For instance, the Muslim community follows the Shariaa law during individual status cases. However, the courts are not unified and separated between the two primary sects, Shiites and Sunnis, with their own specificity and sub-laws.¹²⁰ Additionally, the Christian legal matters are also tackled by different courts that abide by the various sects of the religion. For example, when identifying specific age for marriage, Catholics have designated ages 16 years for males and 14 years for females while the Greek Orthodox have established the age of 18 years for both sexes with certain exceptions that could permit females as young as 15 years old to marry.¹²¹ Similarly, the Syriac Orthodox and Assyrians allow women as young as fourteen years to marry. On the other hand, the Muslim courts also have different age designations for unions, which include ages in the minor years. Sunnis and Shiites authorize marriages based on puberty attainment, which can occur at an age as young as nine years old for girls and twelve for boys.¹²² Similarly, the Durzi sect also allows minors as young as fifteen years old to marry.¹²³ As a result, isolated courts make it difficult for a unified civil code regulating personal status matters and expose the system to breaches, manipulations, and bias.

While Lebanon's ratification of the CEDAW convention should have eliminated all forms of discrimination and violence against Women and Children, the breaches prevailing in the national legal system neutralize Lebanon's commitment to ending human rights violations. The

¹²⁰ Kafa, "Zalfa's Questions on the Personal Status Laws in Lebanon," 21.

¹²¹ 7dnews, "Lack of Legislation Fails to End Child Marriage in Lebanon," 7DNews, March 28, 2019, 1. <https://7dnews.com/news/lack-of-legislation-fails-to-end-child-marriage-in-lebanon>.

¹²² Kafa, "Zalfa's Questions on the Personal Status Laws in Lebanon," 21.

¹²³ Kafa, "Zalfa's Questions on the Personal Status Laws in Lebanon," 21.

former, deeply engraved in religious rules makes it hard to unify all personal status laws, a matter identified by the human rights activists interviewed, the biggest obstacle to reach gender equality in the country.¹²⁴ As mentioned above, Lebanon's Personal Status System follows different religious sects, all imposing their own rules based on their sacred records.¹²⁵ Unifying all religious authorities and making them agree to set 18 as the minimum age of marriage for both sexes, contradicts what religion suggests.¹²⁶ Given the holy and sacred aspect of religion, challenging what is asked of humankind is considered an act of blasphemy that religious leaders could not participate in, nor implement. Thus, religious leaders, also considered the highest authority in personal status laws, are the ones allowing for child marriages to take place.

4.1.2. Marriage Regulation

Not setting 18 as the minimum age for marriage is the first but not the only area in which the personal status system fails girls. By having religion dictating issues of marriage, women, especially young girls, fall victim to a system based on patriarchy.¹²⁷ In religious marriages, legal guardians play a vital role in the determination of their daughter's choices. For Muslims, the males have authority as guardians to determine their daughter's future. Women are not allowed to marry without their father's consent.¹²⁸ They are also subject to marriage against their will at the request of their guardians. Specifically, Sunnis and the minor sect of Druze have designated the following hierarchy to approve of marriage: the father, the brother, the grandfather, and

¹²⁴ Nadine El Kobrousli, Interviews A, B, D.

¹²⁵ Lebanese Constitution, Article 9.

¹²⁶ Nadine El Kobrousli, Interviews A, B, C, D.

¹²⁷ Nadine El Kobrousli, Interview B.

¹²⁸ KAFA, "Zalfa's Questions on the Personal Status Laws in Lebanon," 20.

finally, the uncle. On the other hand, Shiites have placed the father, the grandfather (from the father's side) as the two immediate guardians.¹²⁹ If a biologic guardian is absent, the decision lies in the hands of a legal governor, usually a judge.¹³⁰ Precisely, in the case of minors, the father and the grandfather from the father's side are the individuals having authority over their children's marriage. Hence, such practice devoid women and young females of one of their fundamental rights, the right to self-determination, as outlined in the first article of the UN Charter.¹³¹ While many believe that these practices take place only among the Muslim community, the Christian personal status laws prove otherwise when it comes to the marriage of minors.¹³² Guardianship in the Christian religion also remains in the hands of the male figure, specifically the father as he is the ultimate authoritative figure except for Armenian Orthodox where both parents equally share this responsibility. Consequently, the dominance of religious principles in the judicial and legal system in Lebanon has seemingly deprived women, especially young brides, of equal rights in matrimonial unions.

While issues of guardianship prevail through the major years in the Muslim courts, it is vital to tackle guardianship in the minor years as a distinct problem. First, underage girls are often forced into marriages, and it is rarely their own choice given the repercussions associated with it, especially school dropout and uneven development. Second, when a woman is forced into marriage after she reaches 18, she is asked about her consent to the union and its conditions. If for any reason, the woman does not approve of the contract, the union is annulled. Underage

¹²⁹ Ibid.,20.

¹³⁰Ibid.,20.

¹³¹ UNPO, "Self-Determination." UNPO, September 21, 2017. <https://unpo.org/article/4957>

¹³² KAFA, "Zalfa's Questions on the Personal Status Laws in Lebanon," 4.

girls are deprived of this right, and the guardian's consent is sufficient for the union to take place, as stated in articles 483 and 486 of the Lebanese Penal Code.¹³³ Third, in the case of a divorce, adult women can legally file a divorce and present themselves before a judge, even if it is usually the men's power.¹³⁴ However, in the case of an underage girl asking for a divorce, she would need the guardian's request or wait until she reaches 18.¹³⁵ If for instance, the guardian does not approve of the divorce, the girl's desire cannot be met, and she would then have to endure the burden of the marriage until she reaches 18.¹³⁶ Divorce is often seen among the religious communities as well as those residing in rural areas, as a disgrace, especially for women.¹³⁷ As a result, fathers are often reluctant to divorce their daughters in order to preserve the family's dignity and avoid societal critics.¹³⁸

4.1.3. Marriage dissolution

Personal Status laws in Lebanon are disadvantageous for women, not just in allowing for forced marriages but also in making it difficult to obtain a divorce and protect their individual rights.¹³⁹ In Christianity, divorce is hard to obtain for both sexes; In Islam, men have a unilateral

¹³³ 7dnews, "Lack of Legislation Fails to End Child Marriage in Lebanon," 1.

¹³⁴ Nayla Geagea, Lama Fakih, and Youmna Makhoul, "Unequal and Unprotected Women's Rights under Lebanese Personal Status Laws." *Human Rights Watch*, January 2015, 43. https://www.hrw.org/sites/default/files/reports/lebanon0115_ForUpload.pdf.

¹³⁵ KAFA, "Zalfa's Questions on the Personal Status Laws in Lebanon," 20.

¹³⁶ Nayla, Geagea, Lama Fakih, and Youmna Makhoul, "Unequal and Unprotected Women's Rights under Lebanese Personal Status Laws," 43.

¹³⁷ Nadine El Kobrousli, Interview B.

¹³⁸ Catherine, Holtmann, and Nancy Nason-Clark, "Religion, Gender, and Family Violence: When Prayers Are Not Enough," *International Studies in Religion and Society* 31, (2018), 193, doi: <https://doi.org/10.1163/9789004372399>

¹³⁹ Catherine, Holtmann and Nancy Nason-Clark, eds. *Religion, Gender, and Family Violence*, 193.

right to declare a divorce, while women are subject to the men's requests.¹⁴⁰ Hence, both religions make it hard for women to achieve their desires and terminate a marriage they were bound or forced into.¹⁴¹ Furthermore, due to the courts' independent nature, the fees associated with marriage dissolution vary accordingly and are known to be extremely high, making it hard for the least fortunate to file a divorce.¹⁴² Child brides are financially dependent on their husband's income, and in the case of separation, their dependency shifts to their fathers. In retrospect, the guardians, who initially pushed their children into marriage mainly for economic incentives, cannot afford to file divorces, hindering their daughters' ability to gain independence and lead ordinary lives. Also, the laws do not enforce standardized legal obligations on the spouses to support women financially, even if they are capable of doing so.¹⁴³ For example, child brides often face higher obstacles in finding jobs due to their partial education attainments. Following legal separation, by not forcing their divorcee to provide them with financial assistance, the legal system once again discriminates against women and indirectly forces them to remain and endure unjust marriages.

4.2) Child Protection Laws, CRC, and child marriage

Child protection laws in Lebanon follow several sectoral rules, as seen previously with the Personal Status Laws, due to lack of a common law. The Legislation gap is often filled with Decrees and Decisions stemming from different legal and Governmental actors.¹⁴⁴ These accompanying documents aid in

¹⁴⁰ Ibid., 192.

¹⁴¹ Ibid.

¹⁴² Nayla, Geagea, Lama Fakh, and Youmna Makhoul, "Unequal and Unprotected Women's Rights under Lebanese Personal Status Laws," 37.

¹⁴³ Ibid., 88.

¹⁴⁴ Nadine El Kobrousli, Interview D.

eliminating any obstacles for implementation and push towards a more fluid judicial system. Nonetheless, any revisions are slow to adopt due to a political stalemate stemming from a deeply divided sectarian and bureaucratic system. For instance, in 2014, the parliament passed a law to protect women from gender-based violence, despite the fact that CEDAW was ratified in 1997. In 2017, after years of activism, the government finally abolished article 522 of the Lebanese Penal Code which allowed the exoneration of perpetrators of rape if they marry their victims, further re-victimizing women and pressuring them into a forced and often early marriage.¹⁴⁵ Although any reforms and implementations are stagnant, credit must be given to both the civil societies as well as the strained government in recognizing the need for a more comprehensive child protection framework, and developing new strategies such as law number 293 addressing the Protection of Women and Other Family Members from Domestic Violence.

4.2.1. Convention on the Rights of the Child and child protection

While several reservations accompanied the ratification of the CEDAW convention, Lebanon ratified the convention on the Rights of the Child and its Optional Protocols on the sale of children, child prostitution, and pornography without any objections.¹⁴⁶ The convention enforces its protection laws under several headings, including rights to life, protection, development, and participation.¹⁴⁷ Under each of the general headings highlighted, there are different clusters that more concretely address each category. For instance, under the right to development, children are entitled to proper healthcare, free and compulsory education, and a

¹⁴⁵ HRW, “Lebanon: Pass Bill to End Child Marriage.” *Human Rights Watch*, April 12, 2017. <https://www.hrw.org/news/2017/04/12/lebanon-pass-bill-end-child-marriage>

¹⁴⁶ CRC, “Committee on the Rights of the Child Examines the Report of Lebanon.” OHCHR, May 19, 2017, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21642&LangID=E>.

¹⁴⁷ CRC, “Consideration of Reports Submitted by States Parties Under Article 44 Of the Convention, Lebanon., 1998” United Nations. CRC/C/70/Add.8 of 26 September 2000. <https://unispal.un.org/DPA/DPR/unispal.nsf/0/77CFDB7021CA9D4485256B49007100CC>.

caring family life devoid of any forms of abuse and neglect.¹⁴⁸ However, Lebanon's implementation of these rights remains lacking, despite the country recognizing them as fundamental for human development and including them in its legal Code.¹⁴⁹

Unlike the complexity of the Personal Status system, Lebanon follows a unified code for Child Protection, Law 422/2002. After its ratification of the Committee on the Rights of the Child (CRC) in 1991, Lebanon issued a unified Law tackling children's rights, obligating the judiciary to protect and respond to cases of child maltreatment.¹⁵⁰ This law follows the same definition stated in the CRC, which defines a child as "any person who has not yet reached the age of eighteen."¹⁵¹ Similarly, it also abides by the definition describing child maltreatment as the abuse and neglect experienced by children under the age of 18.¹⁵² Maltreatment comprises all types of "physical and emotional harm, sexual abuse, neglect, negligence and exploitation," which leads to the detriment of the child's health, survival, dignity, and most importantly development.¹⁵³

Under articles 25 and 26 of this law, when a child is found in an environment that threatens his/her health, safety, morals, and upbringing, or if he/she was subjected to sexual

¹⁴⁸ Ibid., 5.

¹⁴⁹ Nadine El Kobrousli, Interview D.

¹⁵⁰ Bill Van Esveld, "'I Don't Want My Child to Be Beaten' | Corporal Punishment ...,"⁶¹.

¹⁵¹ Issam Saliba, "Children's Rights: Lebanon." *Law Library of Congress*, (2012), Article 4, <https://www.loc.gov/law/help/child-rights/lebanon.php>.

¹⁵² WHO, "Child Maltreatment," World Health Organization. World Health Organization, September 30, 2016. <https://www.who.int/news-room/fact-sheets/detail/child-maltreatment>.

¹⁵³ Ahmad, Al Turk et al., "Reporting Child Abuse in Lebanon Process and Limitations." *AUBMC*, (March 2014), 7. https://www.researchgate.net/publication/260981070_Reporting_Child_Abuse_in_Lebanon_Process_and_Limitations.

assault or physical violence exceeding the limits considered “culturally acceptable,” legal action should be taken by a judge to protect the child.¹⁵⁴ However, the law does not explicitly state what is culturally acceptable, leaving room for interpretation, and placing kids at an even higher risk of experiencing abuse. Notably, Article 186 of the Lebanese penal code permits “Disciplinary slapping of children by their parents and teachers in the manner permitted by general custom.”¹⁵⁵ Considering the ambiguous nature of the term “general customs,” such language exposes this article to subjectivity, and contributes to distorted views on appropriate disciplinary actions, further pushing the Lebanese community into one of patriarchal yet abusive culture. For example, sexual abuse and neglect are legally recognized as public crimes, while beating and slapping are merely considered disciplinary measures.¹⁵⁶

Thus, according to the Penal code, if a girl is repeatedly shouted at, and beaten by her parents to fulfill their desires, a major one involving marriage against her will, no legal action could be taken.¹⁵⁷ Such occurrences are repeatedly witnessed among young brides and their history with marriage in Lebanon. Similarly, in the case of a Muslim child bride who is physically or sexually abused by her husband, interference cannot be made as the personal status system overrides the

¹⁵⁴ Issam, Saliba, “Children's Rights: Lebanon.” *Children's Rights: Lebanon | Law Library of Congress*, April 1, 2012, Articles 25- 26. <https://www.loc.gov/law/help/child-rights/lebanon.php>.

¹⁵⁵ Penal Code of Lebanon, Article 186(1), 1943 (without amendments), https://sherloc.unodc.org/res/cld/document/lebanon-penal-code_html/Lebanon_Penal_Code_1943.pdf.

¹⁵⁶ Penal Code of Lebanon, Article 186(1), 1943 (without amendments), https://sherloc.unodc.org/res/cld/document/lebanon-penal-code_html/Lebanon_Penal_Code_1943.pdf.

¹⁵⁷ Saja, Mourtada, “The Marriage of Minors in Lebanon: Between the Rule of Sects and the State's Incompetence.” *22 رصيف*, April 26, 2018. <https://raseef22.com/article/1072085-marriage-minors-lebanon-rule-sects-states-incompetence>.

child protection laws because of its religious foundation.¹⁵⁸ In Islam, Men have the right to strike their wives if they are rebelling. The 34th verse of the Quran's fourth chapter states that:

“Men are in charge of women by [right of] what Allah has given one over the other and what they spend [for maintenance] from their wealth. So righteous women are devoutly obedient, guarding in [the husband's] absence what Allah would have them, guard. But those [wives] from whom you fear arrogance - [first] advise them; [then if they persist], forsake them in bed; and [finally], strike them. But if they obey you [once more], seek no means against them. Indeed, Allah is ever Exalted and Grand.”¹⁵⁹

Hence, religion allows for physical punishment in conjunction with disciplinary measures as part of preserving marital respect. Religion's prominence in the legal apparatus of Lebanon has led to a decline in the efficacy of child protection laws, which remain inferior to the personal status system. As a result, child brides are forced into marriage, abused before and during the union with the inability to seek protection, and unable to avoid the bitter situation they are forced to endure.¹⁶⁰ Furthermore, by not having a unified civil legal system, banning child marriage would remain a desire to achieve. Thus, unifying the age for marriage, and setting eighteen as the minimum age, is a matter that could only be determined by an independent and civil legal system, far from religious and political affiliations.

Chapter 5: Previous Efforts to End Child Marriage

¹⁵⁸ Nadine El Kobrousli, Interview C.

¹⁵⁹ Quran, Verse 34, Chapter 4, <https://quran.com/4/34>.

¹⁶⁰ Nadine El Kobrousli, Interview C.

As outlined above, the Personal status and Child Protection systems follow several sectoral laws, which due to their many loopholes, lead to their partial implementation. In reconciliation, this Legislation gap is often filled with decrees and decisions stemming from different legal and governmental actors.¹⁶¹ Such actions aid in eliminating any obstacles for implementation and push towards a more fluid judicial system. Nonetheless, any revisions are slow to adopt due to a political stalemate stemming from a deeply divided sectarian and bureaucratic system. For instance, in 2014 the parliament passed a law to protect women from gender-based violence, despite the fact that CEDAW was ratified in 1997. In 2017, after years of activism the government finally abolished article 522 of the Lebanese Penal Code, which allowed the exoneration of perpetrators of rape if they marry their victims, further re-victimizing women and pressuring them into a forced and often early marriage.¹⁶² Although any reforms and implementations are stagnant, credit must be given to both the civil societies as well as the strained government in recognizing the need for a more comprehensive child protection framework, and developing new strategies such as law number 293 addressing the Protection of Women and Other Family Members from Domestic Violence.

The following section serves to highlight the recommendations made by the Committee on the rights of the Child, particularly, regarding Lebanon's violation of certain rights related to child marriage. It also sheds light on the civil society's, as well as the government's effort to eradicate child marriage. The recommendations presented were extracted from the Committee's concluding observations on the combined fourth and fifth periodic report of Lebanon, published

¹⁶¹ Nadine El Kobrousli, Interview D.

¹⁶² BBC, "Lebanon Rape Law: Parliament Abolishes Marriage Loophole." *BBC News*, (2017). <https://www.bbc.com/news/world-middle-east-40947448>.

in 2017. Similarly, the state party's report as well as violations in fulfilling certain obligations were extracted from submissions made by all parties under article 44 of the convention in 2015, and the list of issues in relation to the combined fourth and fifth periodic reviews reports of Lebanon, published in 2017.

5.1. Rape and Child Sexual Abuse

Committee's Previous Recommendations

In its concluding observations, the Committee expressed its concerns regarding article 522 of the Lebanese Penal code, which allows the exoneration of perpetrators of rape if they marry the victims, stating that the law helps re-victimize the girls and pressure them to marry their perpetrators. Moreover, the law helps men to get away with their acts, and to not hold them accountable. In addition, the committee also tackled the issue of sexual abuse in regards to the vulnerable population, in particular the refugees, shedding the light on the lack of data on the prevalence of child sexual abuse in refugee camps. In addition, a lack of proper shelter and assistance for child victims were also identified. To address these concerns, the Committee recommended the State party to “revoke article 522 of the Penal Code, and all legal provisions that exempt rapists from prosecution upon marriage to victims,” and “establish shelters for victims of sexual abuse and develop programs and policies for the prevention, recovery and social reintegration of child victims.” (cite)

State Party's Report

The state party noted in its report that the national plan for the protection of women and children against all forms of violence, abuse, and neglect in Lebanon constituted a framework of implementing the following: training specialized female social work assistants to manage cases of children at risk. The report also stated that the ministry of education developed policies for the

protection of children by training educational mentors to detect children at risk and refer them to the child protection agencies in the ministries of Justice and Social Affairs. Finally, with regards to article 522, the state party confirmed the repealing of this law.

Civil Society's Effort

Reporting abuse is one of the key areas the civil society is trying to address.¹⁶³ In fact, Law 422 does not obligate witnesses to report abuse, nor does it indicate a distinct party to whom abuse should be referred to. Different actors such as internal security forces, public prosecutors, and juvenile courts all share the burden of miscommunications and lack of a defined way in processing reports of abuse.¹⁶⁴ Although not within the scope of their responsibilities, two NGOs working on matters of child abuse and women's rights, KAFA and ABAAD have established landlines where they receive cases and coordinate with the proper authorities.¹⁶⁵ The initiative taken by the NGOs occurred as a result of the limited number of social workers assigned by the ministries, and, a recently recognized high incidence in child abuse and gender-based violence, specifically child marriage.

Hospitals are another entity by which reporting can take place. Nonetheless, there is no proper code for reporting cases of child abuse as there is no training allocated to such matters.¹⁶⁶ Child Protective Committees are limited to major institutions who independently choose to train their medical staff without a standardized curriculum in reporting. For example, the American University of Beirut Medical Center (AUBMC), and the Hotel Dieu de France Hospital have

¹⁶³ Nadine El Kobrousli, Interviews A, B, C, D.

¹⁶⁴ Ahmad Al Turk, "Reporting Child Abuse in Lebanon Process and Limitations." *AUBMC*, 12.

¹⁶⁵ *Ibid.*, 13.

¹⁶⁶ *Ibid.*, 17.

independently equipped their healthcare workers with the appropriate tools to detect signs of abuse and refer them to the Child Protection Units¹⁶⁷. Nonetheless, due to the hierarchal classification of abuse highlighted in the laws and the interference of religious principles, cases identified and reported to the committees, are not channeled to higher authorities and remain dormant within these institutions, unless life threatening.¹⁶⁸ For instance, cases of marital rape and abuse suffered at the hands of a husband would not be reported while other incidents of rape perpetrated by a stranger can reach the authorities.

The Lebanese civil societies have for years demanded the abolishment of article 522 of the Lebanese Penal Code which contributed to the prominence of child marriage in the country. It was not until December, 2016, that an official campaign called “A White Dress Doesn’t Cover the Rape,” was established by ABAAD to eradicate this article. As part of the activities of the campaign, protests took form, with widespread recognition, and expanded through social media under the hashtag #undress522. The campaign also exposed evidence through a video highlighting a raped young woman with markings of physical abuse who was forced to turn into a bride. Furthermore, ABAAD planned a flash mob in coordination with the Beirut Marathon Association on November 13, 2016, where dozens of young women covered their heads with boxes, in an effort to highlight what goes on during rape.¹⁶⁹ The most influential demonstration

¹⁶⁷ Ibid., 13.

¹⁶⁸ Ibid., 13.

¹⁶⁹ ABAAD, Abaad Flash Mob at the Marathon, YouTube. YouTube, November 21, 2016. <https://www.youtube.com/watch?v=8Nwd-VT2dQ0>.

organized by the campaign, however, entailed hanging around 30 wedding dresses of varying sizes including small ones to highlight the significant inclusion of children in marriage.¹⁷⁰



Figure 1: 30 wedding dresses hung on the sidewalk in Beirut.

Governmental Efforts and Limitations

The efforts of the campaign came to fruition on August 16, 2017, when the parliament finally abolished law 522. This is not the first time that the civil societies succeeded in repelling and amending laws violating human rights standards. In fact, in 2011, the Parliament abolished an article pertaining to honor crimes.

¹⁷⁰ BBC, “Lebanon Rape Law: Parliament Abolishes Marriage Loophole.” *BBC News*, (2017), <https://www.bbc.com/news/world-middle-east-40947448>.

Article 562 of the Penal Code outlined the legalization of honor killings against women only. The article entailed that if a man found his spouse or one of his family members engaging in unlawful coitus, and in retaliation killed or injured either party would be tried without premeditation receiving a more lenient sentence than otherwise.¹⁷¹ As a result of persistent activism, this law was first revised in 1999, tightening the moderate treatment of honor crimes, and later in 2011, it was fully abolished.¹⁷² The previous success in abolishing discriminatory laws has paved the way for new waves of activism to combat more imperative matters, specifically marital rape. The latter, despite being slightly addressed in the Law on the Protection of Women and other Family Members from Domestic violence, remains unpunishable. The lack of recognition of marital rape as a crime, is a major shortcoming of the law.¹⁷³ In fact, the law does not criminalize the actual act, but could criminalize the spouse if he violently threatens the woman, and claims that it is his right.¹⁷⁴ The controversial nature of the law, pushed the government to face a great deal of backlash by the woman's rights organizations, who have been advocating for the alteration, and expansion of the law.¹⁷⁵

5.2 Child Marriage

¹⁷¹ Lynn, Welchman, and Sara Hossain. "Honour: Crimes, Paradigms, and Violence against Women," *London: Zed Books*, (2013), 115, <https://web-a-ebSCOhost-com.ezproxy.cul.columbia.edu/ehost/detail/detail?vid=0&sid=92918ba8-5712-4f7c-b077-0a81438b2c59@sdc-v-sessmgr01&bdata=JnNpdGU9ZWwhvc3QtbGl2ZSZzY29wZT1zaXRl#AN=263795&db=e025xna>.

¹⁷² HRW, "Lebanon: Law Reform Targets "Honor" Crimes," August 11, 2011. <https://www.hrw.org/news/2011/08/11/lebanon-law-reform-targets-honor-crimes>

¹⁷³ Ibid.,1

¹⁷⁴ Ibid.,1

¹⁷⁵ Ibid.,1

Committee's Pervious Recommendations

In its concluding observations, the Committee expressed its concerns regarding the minimal age of marriage, which is 14 and 16 for girls and boys respectively, and sometimes even lower due to the personal status laws. For this reason, the Committee recommended that the government should legislate a new Law that sets 18 as the minimum age of marriage, pressures religious authorities to prohibit child marriages, adopts new strategies on child marriages, raises awareness programs especially in refugee camps, and finally prosecutes perpetrators of honor crimes.

State Party's Report

Lebanon stated that The Higher Council for Childhood in collaboration with UNICEF is formulating new national strategies on child marriage. The report also shed the light on the state's effort in conducting regional conferences to tackle the issue of early marriage. The government reported that it has been collaborating with civil societies institutions as well as non-governmental organizations to issue reports and statistics on the prevalence of child marriage in Lebanon. Finally, they also stated that two new bills of law have been proposed to regulate early marriages and protect children against this awful act.

Civil Society's Effort

In the case of child marriage, the civil society has been the driving force to spark a revolution in this matter. As part of this objective, the organizations in place, particularly, KAFA and ABAAD have kept close ties with the Committee on the Rights of the Child, by providing reports on any efforts taken by the government to eradicate child marriage. Furthermore, it has constantly uncovered all failures in implementation by the government. The civil society has also

made contributions on the ground. Following many years of advocacy, in 2014, on the International Day for the Elimination of Violence Against Women, the National Commission for Lebanese Women in collaboration with the United Nations launched a global campaign aimed at raising awareness around the implications of Gender Based Violence. Under this umbrella initiative, the National Commission, predominantly focused on abolishing child marriage by first shedding the light on its gender-based violence component; and, second, advocating for a law that prohibits marriages for individuals under the age of 18.¹⁷⁶ The campaign comprised a social media movement, utilizing the hashtag #Bakkir3laya, which translates to “it’s too early for her”. Advertisements showing the negative effects of GBV were also being spread on TV and Radio stations, as well as on billboards in the street of Beirut.¹⁷⁷

In 2015, KAFA, the leading Women’s Rights Organization in Lebanon, launched a campaign video emphasizing child marriage through the introduction of an elderly man and a child bride getting a wedding photoshoot on the streets of Beirut. This was followed by a strong reaction from the public, as only 1% of the Lebanese population were educated on the existence of the law.¹⁷⁸ Additionally, the campaign gained global attention for its efforts that further added strength to its cause. By raising awareness, KAFA has managed to open many doors to revoke child marriage laws and protect those affected. In 2016, KAFA unveiled a new campaign entitled

¹⁷⁶ UNSCOL, “UN and NCLW Launch a 16-Day Campaign to End Child Marriage.” UNSCOL, November 26, 2018. <https://unscol.unmissions.org/un-and-nclw-launch-16-day-campaign-end-child-marriage>.

¹⁷⁷ Ibid.

¹⁷⁸ Ibid.

“Raise the Age” which portrays young girls reacting to the laws hindering their constitutional rights yet allowing for their marriage.¹⁷⁹

Similarly, in 2017, the Lebanese Women Democratic Gathering (RDFL, a secular NGO, joined the movement by initiating a digital campaign titled “Not Before 18.” On the International Day of the Girl Child, the working group launched the campaign through a press conference that gathered a large number of politicians working on matters of gender equality.¹⁸⁰ The initiative tackled the problem from a different perspective by shedding light on the psychological and health consequences of forced and early marriages. The initiative featured two doctors that meticulously highlighted the reasons behind the negative effects of the marriages.¹⁸¹ In 2018, the same working group, launched another revolutionary campaign, this time with the aim of pressuring members of the Parliament to pass the law banning child marriage.¹⁸² “Young3arous” started as a social media platform that fake advertised the trade of young brides, allowing individuals to pick the young bride they wanted. Once individuals clicked on the link, they were redirected to a representative that actually took their demands.¹⁸³ This initiative deeply provoked the Lebanese society, and sparked resentment in the country; which after the reveal,

¹⁷⁹ Rayana, Khalaf, “This Campaign Is Working to End Child Marriage in Lebanon.” *StepFeed*, (2017), <https://stepfeed.com/this-campaign-is-working-to-end-child-marriage-in-lebanon-3947>.

¹⁸⁰ EFI, “RDFL Launches Its Media Campaign Against Early Marriage.” Euromed Feminist Initiative, October 24, 2017. <http://www.efi-ife.org/rdf-launches-its-media-campaign-against-early-marriage>.

¹⁸¹ RDFL Women, “NOT BEFORE EIGHTEEN.” YouTube. YouTube, October 10, 2017. <https://www.youtube.com/watch?v=B4ppdfKH8x8>.

¹⁸² RDFL, “RDFL Strikes against Child Marriage through Young3arous Campaign .” The Lebanese Women Democratic Gathering. The Lebanese Women Democratic Gathering, January 15, 2019. <https://www.rdfwomen.org/eng/rdf-strikes-against-child-marriage-through-young3arous-campaign/>.

¹⁸³ *Ibid.*,1.

allowed the working group to get a great number of signatures to pass a bill ending child marriage.¹⁸⁴

Governmental Efforts and Limitations

As a result of the civil society's persistent activism and the obligations imposed by the Committee on the government, although not explicitly, tackled the issue of child marriage through different initiatives. First, in 2014, the parliament passed the Law 293, which protects Women from Domestic Violence.¹⁸⁵ The law, despite its significant contributions to the overall protection of women, is still far from achieving its target.¹⁸⁶ For instance, according to the law, Domestic Violence is "Any act, abstention therefrom, or threat thereof committed by a family member against one or more family members as construed in the definition of family, involving one of the offenses set out under this Law and resulting in death or bodily, mental, sexual, or economic harm." This definition, is extremely narrow, leaving a large number of violent methods unaddressed. For instance, it does not recognize child marriage as a form of Gender Based Violence. Second, in 2017, Elie Kayrouz, a member of the parliament, introduced a draft law prepared by the Lebanese Women's Democratic Gathering, which sets 18 as the minimum age of marriage, and penalizes anyone involved in or contributing to such unions.¹⁸⁷ Nonetheless, until

¹⁸⁴ Ibid.,1.

¹⁸⁵ HRW, "Lebanon: Domestic violence Law Good, but Incomplete," *Human Rights Watch*, April 3, 2014. <https://www.hrw.org/news/2014/04/03/lebanon-domestic-violence-law-good-incomplete>

¹⁸⁶ Ibid., 1.

¹⁸⁷ HRW, "Lebanon: Pass Bill to End Child Marriage." *Human Rights Watch*, 2017. <https://www.hrw.org/news/2017/04/12/lebanon-pass-bill-end-child-marriage>.

today, no further action has been taken to finalize and execute the new charter, leaving the matter of child marriages ongoing.

Chapter 6: Conclusion

Whether affected by Islam, Christianity, or Druze, virtually all religious laws in Lebanon discriminate against women. The absence of a unified law regulating the legal age of marriage is of primary concern. In particular, refugees are the most affected by such shortcomings and lack of protection by law. Presently, a direct correlation is witnessed among those in migration and the elevated risk of sexual and gender-based violence against women, particularly early and forced marriages. Refugees resort to child marriage for many reasons. Economic vulnerability, changing gender norms, prominence of religious and cultural norms, discrimination, and violence are among many factors contributing to the abovementioned correlation. In Lebanon, Syrians make up the majority of the refugee population and are the primary victims of child marriage. The same factors, underlined previously, have been detected among this population to be the primary drivers for this practice. In essence, child marriage has become a tradeoff for survival as this practice allowed for legal, financial, and housing stability. It has also served as a protective measure for families to look after their young ones and prevents them from any harm since sexual violence has increased drastically in unsupervised camps throughout the country.

Nevertheless, child marriage has existed in Lebanon long before the arrival of refugees, although with insignificant occurrence. Moreover, the legal system has been a collaborator in the existence of child marriage as it has remained reluctant to rectify laws regarding personal status matters. Similarly, its lack of cooperation with the Syrian community and the discriminatory measures it has imposed on it have pushed families to undergo such practices in order to survive.

It is evident that with the existence of specific laws addressing refugees and their living conditions, child marriage would not be as alarming. Similarly, if there was to be a unified law setting the legal age of marriage as 18 years of age, this unsuitable practice could have long been eradicated. Nevertheless, the reluctance to take any action stems from a deep sectarian and patriarchal system in Lebanon. The previous history in the mishandling of Palestinian refugees has led to many shortcomings when dealing with the Syrian refugees as well. In actuality, the fear of a prolonged stay has pushed authorities to restrict their management of refugees by imposing harsher measures and, successively, fueling practices like child marriages among this population. Specifically, fees inflicted on refugees to stay in Lebanon as well as strict curfews imposed by municipalities were two examples depicting the hardships that the Syrian community endured and, in many cases, the primary reasons behind engaging in child marriage. Furthermore, it is important to note that the legal framework of Lebanon has allowed for practices such as the union of minors or insufficient punishment for perpetrators of physical and sexual abuse to thrive and exist.

The personal status system, as with the majority of laws in Lebanon, are based on religious and sectarian values. This remains the most problematic factor in regards to addressing women's rights. Considering that Lebanon is a secular state, religion and religious leaders should not interfere in regulating both personal and legal matters. Nonetheless, the contrary holds true, and religion remains the most powerful authority. This is the primary reason holding the country in a stalemate. Using religion as the emblem for deriving laws and jurisdictions exposes the legal system to manipulation and injustice. Those wishing to take advantage use religion as a weapon to impose their authority, making it hard for secularism to govern the country. Similarly, patriarchal ideology and religious interferences make it hard for women to reach gender equality

and live free from violence and discrimination. Hence, to reach such a milestone, the government should advocate for a law banning religious leaders from interfering in any decision related to personal status matters.

Previous efforts have been made by some members of the parliament as well as the civil society to address issues of women's rights. Similarly, the ratification of CEDAW and CRC demonstrates a sense of commitment the government has shown in addressing issues of gender equality. However, such efforts have been blocked several times by conservative parties, leading to significant gaps in policies addressing personal status matters. Hence, despite the effort expended by some parties to eradicate child marriages, their effort often goes to waste due to the interference of conservative parties as well as religious leaders. Although Lebanon is a state party to CEDAW and CRC, the religious parties pushed the government to reserve critical elements in the conventions, such as early marriage, given that religion allows for it. Nonetheless, the harsh judgment of these parties did not stop civil society from advocating strongly and challenging the existent discriminatory laws. Some of these efforts were coupled with success, such as the abolishment of absurd rape laws, previously violating women's rights. Similarly, the enactment of a domestic violence law was another achievement made official by the civil society and the government. The law finally recognizes that women need protection in the private sphere and that this type of violence cannot pass unseen. Nonetheless, despite the establishment of this law, the civil society still faces hardship while addressing marital rape, forced and early marriages, as well as divorce regulation.

It is now established that the civil societies' effort in addressing child marriage continues to find areas lacking support. As a result, to eradicate this phenomenon, a rigid and collective mechanism should be achieved. As previously identified, child marriage in Lebanon stems from

undesirable living conditions, patriarchal and conservative thinking, religious interference, and a weak political system. Thus, long term change can only be achieved by tackling every factor independently. For example, before advocating and revolting against the existing laws, the civil society should start raising awareness on the communal level to challenge the conservative ideologies present around child marriage. With the help of the ministry of education, both organs should put in place awareness programs in formal and informal schools around the country. These programs should serve as awareness classes where students and parents learn about the negative repercussions child abuse and gender-based violence pose on individuals. These programs would help challenge the patriarchal thinking governing a majority of the population and help reduce the occurrence of early marriages.

Similarly, the international community should allocate more considerable financial resources to support the Syrian refugees in leading acceptable lives and avoid unlawful trade patterns previously mentioned. In concordance, the Lebanese authorities should imperatively remove all fees imposed on refugees and stop discriminating against them. Additionally, the government should strengthen its enforcement mechanisms, by continuously monitoring school enrollment rates, physical violence at schools, as well as in the private sphere. Last but not least, to reach actual change, the members of the parliament should come together and work independently from political and religious affiliations. First, the government should remove the reservations imposed on CEDAW and abide by the goal of the convention. It should also strengthen the law protecting women from domestic violence and set clear sentences for individuals violating it. Furthermore, the government should adopt a unified personal status system that bans child marriage across all religions and regulates divorce laws according to

civilized legal standards. Hence, the laws stated in the latter should be subject to a single court rather than independent ones.

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