



مركز الدراسات النسوية
Women's Studies Centre

Between the Law and Dominant Culture:
**Child Marriage Legitimizes Violations
of their Rights**



Brot
für die Welt

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Ayesha AlRifai & Reem Abu Hweij



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Ayesha AlRifai & Reem Abu Hwiej
Principal Investigators

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EXECUTIVE SUMMARY

Introduction.

The Palestinian Authority passed Legislation 21 in 2019 which prohibits the marriage of persons under the age of 18. However, the Legislation under article 2 includes an exemption clause that permits underage marriage if the marriage is seen in the interest of either of both parties. To this day there has been no reasonable scientific examination of the ways and conditions in which the exemption is being used to facilitate child marriage including by the legal institution in charge of its implementation; sharia' court system and personnel. The legal framework of child marriage in Palestine is inconsistent and deficient, and existing loopholes permit marriages below this age including without specifying a lower age limit especially for the female child. Addressing these gaps is essential to safeguard the rights and well-being of young girls.

Objectives.

This study examines Legislation 21, investigating the perspectives of child married women and key informants involved. The study delves into child marriage drivers, conditions for exemptions, the process of granting exemptions, and strategies used to bypass the law. It particularly explores the lived experiences of child-married women and the impact such premature nuptial involvement makes on their lives thereafter.

Methods.

The study utilized a mixed-method approach to combine qualitative and quantitative methods, allowing for data cross-checking and triangulation. Quantitative data were obtained from secondary sources and a survey, while qualitative data came from focus group discussions and individual interviews with key informants. A total of 211 participants were involved, divided into 4 sub-groups. The main focus was on post-Legislation child-married women in the West Bank, along with input from key informants like women's rights activists, Sharia' judges, lawyers, youth groups, and health professionals.

Key results.

Our study yielded detailed data across many aspects of child marriage in Palestine, including identification and delineation of key drivers of child marriage, legal and illegal mechanisms of conducting child marriage, the impact of child marriage on the married child, and some significant reflections and recommendation made by survivors and key stakeholders. Of the total 126 child-married women post-law 21 endorsement, 92.8% confirmed their attainment of exemptions or correction of corrupt marriages completed out-of-court in order to accomplish marriage registration at the Sharia Court, either upon getting married at the court (34.4%), by the court granted exemptions, through its acceptance of a wide range of undefined undocumented reasons; or afterwards in de facto correction of what is legally termed as a "corrupt marriage" contract to achieve legality of their extrajudicial marriage (58.4%), after initially failing to obtain an exemption. This indicates that marriages of the majority were first commonly performed by unregistered marriage officials extrajudicially, as an alternative route to legal marriage that followed after less than one year for 53% and 1-3 years for 22% of the respondents. Thus, the law is completely circumvented by outsourcing marriage contracts using unregistered marriage officials, which are then retroactively legalized as a means of correcting these corrupt marriages.

EXECUTIVE SUMMARY

Those who were able to obtain an exemption and legally entered into the institution of marriage were asked about the reasons given to the court to justify the exemption request. More than the half (52%) said they did not know the reasons. This is supported by the response “marriage official in the court didn't request a reason” coming from 12.8%, which brings into question the courts' current accountability practices, or their lack thereof. For 8% nepotism was the means used and for 6.4% family will was a reason good enough to obtain an exemption. Extreme poverty was a reason for exemption for 8.8%, orphan bride for 5.6% and groom intended long-duration travel for 3.2% of the surveyed.

Around two thirds (58%) of the participants surveyed believe that social norms are a strong driver for child marriage, which was reiteratively confirmed by interviewed participants, who believe of its key role in defending and perpetuating child marriage culturally and institutionally. Almost a third of child-married participants expressed regret for having been wed early and many lamented the rights they were robbed of and the life they were denied in being forced into such a lasting contract. A fourth of child-married participants described experiencing at least one form of violence throughout their marriage. Two thirds had their first pregnancy less than six months after marriage. This, and a quarter of respondents who reported being victims of spousal violence, had serious health consequences for the pregnant woman and her unborn child; 52 participants reported having experienced 67 adverse health outcomes, some of them multiple at once. The most common adverse health outcomes experienced was abortion having occurred among 19 participants, most of whom have had two to four abortions, a high-risk pregnancy (10), and premature labor or birth (9).

Conclusions.

Our findings demonstrate that the risks of child marriages are paramount. Destructive social norms continue to be the prime instrument stubbornly defending the practice of child marriage and perpetuating it on the cultural level, both institutionally and societally. Furthermore, the existing gap in Legislation 21, namely article 2(2) provides for exemptions for underage marriages with no specifications, controls or standards to define what warrants granting these exemptions, thereby effectively annulling the law. To make matters worse, nondeterrent penalties for law violation have created conditions where the law is taken lightly by the public, most critically by resorting to customary legally corrupt marriages which presents experts and women rights organizations with a black box that must be opened and interrogated.

Recommendations.

Key recommendation are; establish an allyship between feminist organizations and human organizations for abolishing child marriage and bridge non-defensive dialogue with the judiciary and legislators; use the power of collective in advocacy for legal reform on the penalties for noncompliance with Legislation 21 and abolishment of exemptions for child marriage; conduct mass-marketing campaigns and brief personal interviews and interactive group activities to alter social norms in areas of high child marriage rates, and target eliminating in the perpetrators the desire to perpetrate child marriage by influencing their psyche and mentalities in this regard.

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1. INTRODUCTION

First and foremost, it is a matter of the state's responsibility to walk the talk and address what is commonly known as early marriage and legally defined as child marriage, with support and accountability from the human rights movement, the women's movement and the community at large. It is not enough for the state, for example, to amend, update and confirm the law on the legal age of marriage; rather, it is obliged to create conditions for its implementation and compliance with its provisions, including, but not limited to, the establishment of rules and regulations, introduce tools and instruments to support institutional and public compliance with the new law, as well as monitoring violations and prosecuting perpetrators. This study examines the extent to which this is the case with regard to Legislation 21 to raise the legal marriage age in the West Bank, enacted by presidential decree and ratified in 2019, after decades of awareness-raising and advocacy efforts by the women's and human rights movement in Palestine.

1.1 Background and Significance

Child marriage which is a globally committed human rights violation and a form of gender-based violence against girl child, is defined by the United Nations as the formal marriage or informal union between two individuals where one or both people are under the age of 18 (UNICEF, 1964). There are over 650 million girls married under the age of 18 worldwide as Child marriage affects girls disproportionately (UNICEF, 2022). Although child marriage has been deemed a legal and ethical violation of human rights (Menz, 2016) there continue to be many drivers that lead to child marriage today. Poverty (Paul, 2019; Petroni et al., 2017), social and cultural norms (Hamad et al., 2019; Sharma et al., 2020), and political unrest and humanitarian crises (UNFPA, 2015; Menz, 2016) have been identified as major drivers of child marriage. The detrimental effect of child marriage on women's sexual and reproductive health has been found to be very severe, affecting them throughout their lives (Hayes & Protas, 2022; Fan & Koski, 2022). Women married as children have also been found to show significant psychological distress and are prone to multiple mental health disorders (Callaghan et al., 2015; Fakhari, 2020; Le Strat & Dubertet, 2011). Child marriage has also been linked to higher incidences of domestic abuse and intimate partner violence as a result of the significant power differential customarily found in the pairing of the child bride with a man much older than herself (Nasrullah et al., 2014; Santhya et al., 2010; Yount et al., 2016). These significant harms that befall upon the child as a result of early marriage all indicate that child marriage is a practice that must be heavily scrutinized and abolished.

In Palestine, it is estimated that 15% of women are married as children (UNICEF, 2022). The detrimental effects of child marriage in Palestine mirror what has been documented among other societies and are further exacerbated by the geopolitical and legal fragmentation caused by the presence of two authorities; the Israeli colonial regime and the Palestinian Authority (Hamad et al., 2019). These two systems, the former governing coercively and the latter governing gesturally, have resulted in the creation of significant numerous legal gaps that facilitate missing child marriage in the chaos. Even though Palestine committed to ending child marriage by 2030 as part of its Sustainable Development Goals, centuries of colonization and invasions have resulted in a compounded legal framework made up of laws originating from several outdated systems. In an effort to limit child marriage the Palestinian Authority passed Legislation 21 in 2019 which prohibits the marriage of persons under the age of 18. However, the Legislation includes an exemption clause that permits underage marriage if the marriage is seen in the interest of either of both parties. To this day there has been no proper examination of the ways and conditions in which the exemption is being used to facilitate child marriage. The current study attempts to explore the experiences of child brides in the utilization of the exemption for Legislation 21 and its impact on their lives thereafter. It also interrogates the positions of different groups of experts and stakeholders in the sectors of law, health, youth and others.

1.2 Problem Statement & Rationale

Legislation 21 states that both parties to be married must be at least 18 years old, and yet there have been more than 10,846 child marriages in Palestine since the passage of this law in 2019 (Alsharif, 2022). The lack of clear parameters for which an exception can be made to marry minors has led to the filing of more than 12,000 exception requests. It remains unclear how many exceptions were granted, as the sharia' court system stopped publishing this crucial data, contrary to standard previous practice. Meanwhile, the Chief Justice Office has said it has approved more than 2000 so far (Alsharif, 2022).

The lack of clarity around the exemption clause means that anyone can file for an exemption thereby contributing to the legal chaos and lack of monitoring of this kind of human rights violations. In order to abolish child marriage, it is essential to identify the primary drivers and means that facilitate its occurrence. Currently, this exemption clause is a primary tool for facilitating child marriage in Palestine. However, the mechanisms involved in utilizing this clause remain undocumented and poorly understood. Using a mixed methods design, the current study attempts to identify the stated reasons individuals have used to obtain an exemption and the mechanisms in which this exemption was granted. Moreover, given the dearth of current literature exploring the lived experiences of child brides, this study will attempt to deepen existing understanding of the experience of early marriage on child brides thereby centering the voice of the victims of the practice.

1.3 Research Aim

The aim of this research is to illuminate the roadmap for the paths to child marriage by exploring the experiences of child married women since Legislation 21 was passed in 2019.

1.4 Research Objectives

- Identify the stated reasons individuals have used as conditions to obtain exemptions
- Explore the mechanisms in which exemptions were granted
- Reconnoiter alternative paths taken in circumventing Legislation 21.
- Recognize the geographical differences in the extent and drivers of child marriage
- Deepen existing understanding of the postnuptial experience in child marriage on child brides thereby centering the voice of the victims of the practice.

2. LITERATURE REVIEW

2.1 Child Marriage: Magnitude and Contexts

In the eyes of international law child marriage is by definition forced marriage which includes any union that “takes place without the full and free consent of one or both parties.” Lack of consent in the case of child marriage is met by one or both parties being minors thereby not meeting the physical and emotional markers deemed essential for making an informed decision about marriage and its implications (UN-ESCWA, 2015). The term child marriage thus underscores that while individuals under the age of 18 may agree, by formal standards, to get married, the agreement does not constitute reasonable free consent. This is especially relevant in humanitarian conditions where girls, particularly, face pressure to marry as a means of protection and survival (UN-ESCWA, 2015).

Globally, one in five girls under the age of 18 is married, and this rate increases dramatically to as much as 40% of girls in countries of the global south (Hunersen et al., 2021). In the Arab region, there is a 14% rate of marriage for girls under the age of 18 (UN Women in the Arab States 2021). In fact, this act is considered acceptable in most Arab societies and is not viewed as a form of sexual and gender-based violence, despite the potential effects and risks resulting from this harmful behavior on the lives of girls, such as early pregnancy, school dropout, reduced future opportunities and increased risk of Exposure to other forms of domestic violence (CAWTAR, 2021).

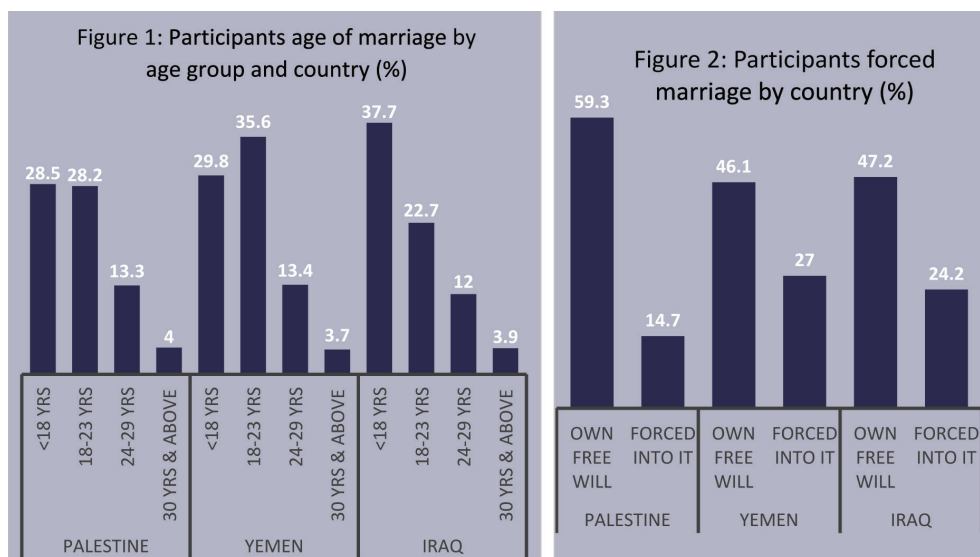
In West Asia and North Africa, child brides make up 6% (40 million) of married women, with child marriage incidences falling to half their number in Egypt and Jordan since the 1980s, as initiatives to raise awareness and regulate Legislation have become more stringent. Similarly, child brides make up less than 5% of married women in Libya, Algeria and Djibouti (UNICEF, 2022). However, child marriage is still common in Iraq and Yemen, especially since the decision to marry early is greatly influenced by the presence of conflict and displacement in order to ensure the protection of girls (Hunersen et al., 2021), as well as by economic factors and the prevailing culture (Oxfam, 2019). In Iraq, it is difficult to find accurate recent data, but according to the National Social and Health Survey conducted in 2012, the percentage of women who married before the age of 18 reached 21.7% (Ministry of Planning, 2012). On the other hand, Yemen has one of the highest rates of child marriage in the world. In 2016, according to the United Nations Population Fund, the average age for girls to marry was around 15 (UNFPA Yemen, 2016), and more than two-thirds of girls married before reaching the age of 18, compared to 50%. Before the Yemen crisis occurred, because families increasingly tend to marry off children as a result of the conflict (UNICEF, 2017). The issue of child marriage has been partially dealt with in the law in Iraq.

According to the Personal Status Law, Article (7) No. 188 of 1959, the minimum age for marriage is 18 years for both men and women. However, the age can be reduced to 15 years with the consent of the guardian and obtaining judicial authorization (UNDP, 2018). However, the Personal Status Law and its amendments in Yemen do not set a minimum age for marriage (UNDP, 2018).

In Palestine, the latest data indicate that child marriage has declined from 15% to 13%, with the highest percentage in urban Gaza (16%) and in the urban areas of Hebron and Jerusalem (MICS 2014, MICS 2019). For example, it is about 4 out of 10 girls in certain areas of Zone C (i.e., Jordan Valley and southern parts of the West Bank, including Zone H2) and 3 out of 10 girls in East Jerusalem and some areas of Gaza such as Khan Younis and Rafah refugee camp (GBVSC-CPWG, 2020). These findings are dissimilar to the worldwide high prevalence of child marriage in rural areas and villages (UNFPA, 2015). These unusually high rates of child marriage in the mentioned urban areas are linked to the ongoing sociopolitical unrest caused by the Zionist settler colonization of Palestine in general but more viciously in these urban communities, where data show that rates of child marriage correlate with economic hardships and uncertainty of the

future caused by severe humanitarian conditions (UN-ESCAW, 2015). In these urban areas, married adolescent girls live in abject poverty, limited education, marked insecurity, confined mobility, internal displacement, severely restricted access to information and basic services, especially SRH. Therefore, they have less SRH knowledge or control over their reproductive life decisions; often adopted by their husbands or in-laws, who are generally supportive of pregnancy. This is clearly demonstrated by the overall low prevalence of modern family planning methods among married adolescent girls (15-19), not exceeding 15%, and the high fertility rate of 48 per 1000 births in Gaza and 39 in the West Bank (MICS, 2019). Thus, adolescent girls are exposed to complications of early pregnancy and childbirth, which can lead to adverse social and psychological effects, school dropout and death. Absurdly, married girls are treated as adults and expected to behave like adults in their families, societies and by SRH service providers, compromising the appropriate response to their SRH needs as children under 18 years of age. Additionally, they are at high risk of SGBV in the relationship as they lack the necessary knowledge and tools to protect themselves and their limited training and experience limit the alternative options available to them if they choose to leave the marriage (MOH, 2022).

A regional comparative study carried out by Ayesha AlRifai and others in Palestine, Iraq, and Yemen in the year 2021, in which 888 ever-married women and survivors of domestic violence participated, came out with further supporting evidence. It showed that more than two-fifths (n=396; 44.6%) of the participants who were married, divorced, or widowed when they participated in the study were married before the age of 18, while 224 (19.2%) of all participants were forced into marriage, and a third married a relative 361 (30.9%). This signifies a remarkable prevalence of these three dangerous traditional practices in the three study societies, as shown in figures 1 and 2 below, which made women victims of these practices more vulnerable to domestic violence (AlRifai et al., 2021).



Source: AlRifai, et al. (2022). Understanding Sexual Gender Based-Violence in Three Arab Countries in Conflict. Oxfam oPt and Abu Hwaj Assurance and Consulting Services.

2.2 Contributing Factors and Drivers

Compounded economic, social, cultural and political factors contribute to child marriage worldwide (UNFPA, 2015; UNICEF, 2022). Poverty, protection of girls, and the strengthening of social ties have been cited as global primary drivers of child marriage (Nour, 2009; Paul, 2019; Wodon, 2016). Poverty and the financial burdens that come with supporting a family increase the parents' incentive to part with their daughters at an earlier age as it means one less mouth to feed. Household income and education levels have been found to inversely correlate with incidences of child marriage (Paul, 2019). Parents who have access to information and have financial security that enable them to support their children materially are thus less likely to endorse child marriage. Across several African countries the lack of economic opportunities is found to contribute to greater school dropout rates which increases the risk of child marriage (Petroni et al., 2017). Similarly in South Asia a strong correlation has been found between child marriage and early school dropout (UNICEF, 2016).

Conversely, in India parental attitudes shaped by patriarchal social norms, some of which overemphasize the value of female virginity, have been linked to increased incidences of child marriage despite higher income levels and better education (Sharma et al., 2020). The cultural normalization of child marriage in this way plays a dangerous role in driving child marriage since it comes laden with gendered expectations for female subservience manifested through household chores, early childbirth, and full enmeshment with the husbands' needs and expectations. Indeed, cultural and social norms have been consistently identified as major drivers of child marriage across other countries including Palestine, where at times these norms have superseded economic factors. For instance, Hamad and colleagues (2021) found that 83% of their Palestinian and Syrian child bride sample cited conservative family norms as major causes of their child marriages. Similarly, 74% of them described the influence of social norms and 53% cited religious beliefs as primary reasons for their marriages, which indicates that in cases where social norms are key drivers for child marriage there are greater ideological expectations of the child bride linked to patriarchal practices across all aspects of life domains.

Along the same lines, in Iran, Montazeri and colleagues (2016) investigated determinants of child marriage from married girls' perspective. Multiple contextual and individual factors emerged as propellants to child marriage. These factors revolved around; family structure, low autonomy in decision-making, and response to needs. Family structure included socioeconomic difficulties, cultural family values and religious beliefs; all were the most influential child marriage determinants for the respondents. Most had grown up in dysfunctional families with socioeconomic difficulties. They had experienced difficult and excruciating childhood. This was a fundamental reason that pushed them to get married. Low autonomy in decision-making was the second area of reported determinants, including, inappropriate decision-making skills, inadequate problem-solving skills, insufficient negotiation skills, and lack of critical thinking skills; all falling within social training and competencies acquired (or not) in upbringing through various social learning processes and structures, which are rather gendered. Lastly, response to social, emotion and sexual needs were the third defined area of child marriage determinants, the study revealed.

Child marriage is arguably one of the remaining forms of legalized predatory practices against females. Menz (2016) stresses the way in which child marriage is perceived as a protective mechanism to ensure that girls do not dishonor their families by having intimate relationships with unfamiliar men. However, in bitter irony Menz (2016) argues that while child marriage may seem rooted in traditional concepts of honor and purity, it shares the same trajectory as child sex trafficking, wherein both processes involve an economic transaction between a "supplier" and a "client" since in many countries the bride's family is paid a dowry by the groom. Both processes disregard the practice of consent which often manifests in the girls' family tacitly making the unliteral decision to marry her thereby placing her in a situation of bondage where her freedom of movement is curtailed by her husband who comes to have authority over her both physically and financially. This authority is further concretized by the social stigma that accompanies divorce

which further entraps the girl within her husband's family structure (Menz, 2016). Finally, both child trafficking and child marriage place young girls at high risk of contracting HIV/AIDS and other sexually transmitted diseases from older men (Hayes & Protas, 2022; UNFPA, 2015), increase the chance of unwanted pregnancy and subsequent early childbirth related diseases (Fan & Koski, 2022; Menz, 2016), and both increase the girls' chances of being subject to emotional and physical violence (Hayes & Protas, 2022; Menz, 2016). Some of these shared characteristics are made evident in Hamad and colleagues' (2021) comparative study exploring Palestinian and Syrian child bride's experience, with both groups reporting feelings of suffocation and many likening it to being kidnapped; describing marriage as a prison that marked the end of their childhood. In fact, 93% of their Palestinian sample reported that they were forced into marriage, which demonstrates unequivocally the exploitative and coercive nature of child marriage. Furthermore, most of Hamad and coworkers' (2021) child bride sample were wed to men much older than themselves, with 57% forced to marry men at least 6 years their junior and 9% forced to marry men 10 years older or more, further underscoring the predatorial nature of child marriage where power imbalance lies at the core of the practice.

To further highlight the entrapment that is embedded in this phenomenon, power dynamics become especially heightened when child marriage occurs within humanitarian conditions (Burgess et al., 2022; UNFPA, 2015). There is an established link between the increase of child marriage incidences and geopolitical unrest (Menz, 2016; UNFPA, 2015, UNICEF, 2022). In cases of statelessness, where the individual is denied legal status or recognition by the government that oversee the individuals' environment, gender-based violence and exploitation become especially prevalent (Menz, 2016). For instance, prior to the Syrian crisis, 13% of Syrian girls married before the age of 18 (UNICEF, 2014), whereas it is estimated that this number has increased four folds in Syrian communities living in refugee camps since the beginning of the Syrian crisis (Hamad et al., 2019). One marker of the severe power differential and increased exposure to exploitation of girls within these contexts is evident in the significant age difference between the child bride and their spouses. For example, among Syrian refugees in Jordan, 31.8% of Syrian child brides were married to men at least 10 years their senior and 16.2% were married to men 15 years older (UNFPA, 2015). Similar reports have shown that among the stateless Syrian refugee population in Jordan, hundreds of women and girls were sold into "pleasure marriages" to men arriving from the Gulf region and other countries (Menz, 2016). These marriages often last for only hours or days with the promise that once the child bride reaches the legal marriage age according to Jordanian laws, the marriage would be formalized, but often the men disappear after spending a brief time with the child. These incidences have resulted in the impregnation and abandonment of many girls who have no legal recourse to demand their rights or protection since the marriages were conducted outside the legal system (Menz, 2016). In this way, child marriage serves as a clear culturally-sanctioned pathway to child sexual exploitation very much akin to the previously discussed child trafficking trajectory. Subsequently, it is germane to ask who is served by the continued practice of child marriage since it is clear that child brides stand to benefit nothing from these life altering contracts.

For the Women's Studies Centre, AbuRayya, Hijazi and AlRabadi (2017) conducted a study to understand the causes of child marriage and its impact in the Governorate of Jerusalem. In the quantitative part, the attitudes of 475 high school students (men and women) towards child marriage were examined. In the qualitative part, individual and focus group interviews were conducted with; women who married before the age of 18, mothers of girls who married under the age of 18, young men, school principals, educational counsellors, clergy and reformers in Jerusalem. The results of the quantitative study showed that the majority of male and female students support the marriage of girls aged 18 and older, but despite the attitude of male students opposed to child marriage, they have more understanding of the phenomenon compared to female students.

The sociodemographic variables; low educational attainment, negative attitudes of students toward their school and themselves, the presence of married female relatives under the age of 18, and the low economic level of students' families were factors contributing to students' positive

attitudes toward child marriage, regardless of gender. The results of the quantitative study also showed that students' awareness of the impact of child marriage on a girl was moderate and less pronounced among male students. Qualitative results showed that the drivers and reasons for child marriage include: poor living and economic conditions in girls' families, girls' low level of education, family disintegration, parental dominance and girls' striving for independence and freedom, girls' lack of awareness of the gravity of marriage and inherent responsibilities, poor emotional decision-making skills, being influenced by experiences of female friends/relatives, and fear of girls' delinquency (AbuRayya, Hijazi & AlRabadi, 2017).

Ultimately, the unsafe living conditions, the separation of families, the increased poverty rates, the overall breakdown of social networks and the inefficiency of legal institutions during times of unrest make the already vulnerable child population more prone to exploitation as families hope to secure safety and protection for their daughters and possibly by extension to themselves (UNFPA, 2015). While the drivers of child marriage may vary the price paid for this practice falls unilaterally onto the shoulders of the young girls who are harshly derailed from pursuing economic, professional, and personal agency and freedom.

2.3 Impact of Child Marriage

Child marriage has been linked to many negative health outcomes (Fakhari, 2020; Hayes & Protas, 2022; Nour, 2009) and economic disadvantages (Roest, 2016). Child marriage not only negatively affects the physical and psychological health of the child but has also been found to adversely affect societal development as a whole (UN-ESCWA, 2015). Girls are disproportionately subject to child marriage with over 650 million girls currently wed before the age of 18 (UNICEF, 2022). According to UNICEF (2020), approximately 5% of women between the ages of 20-24 were married before or at age 14, and 20% were married before the age of 18 worldwide. South Asia and sub-Saharan Africa have the largest number of child marriages, with a prevalence rate of 30% in South Asia and 40% in Sub-Saharan Africa (Burgess et al., 2022).

Myriad negative sexual and reproductive health (SRH) outcomes of child marriage include contracting HIV/AIDS and other sexually transmitted diseases, and unwanted pregnancy. For examples in their comparative study Nasrullah and colleagues (2014) found that 42.9% of child brides experienced rapid repeat childbirth compared to 14.2% of nonchild brides, and 21.9% of child brides experienced pregnancy termination compared 13.1% of nonchild brides. In cases of child marriage where the power differential is so vast between the child and her husband and where the child has little to no sexual health education, there is little decision-making power left to her around consent to sex and its' consequences, resulting in such high rates of pregnancy and subsequent complications. According to the World Health Organization (2014), 16 million adolescent girls give birth every year, with complications during pregnancy and childbirth being a major cause of death among girls aged 15-19 years (Hamad et al., 2021). Girls between ages 15-19 are twice as likely to die during a pregnancy and childbirth than women aged 20-24, and girls under 15 years are five times more likely to die in the process (UNFPA, 2015). Furthermore, since child brides do not have fully developed reproductive organs it is estimated that for every girl that dies during pregnancy and childbirth another 20-30 develop lifelong severe injuries such as uterine prolapse and obstetric fistula (UNFPA, 2015). It is important to stress once more that the increased risk of death and severe injury during pregnancy and childbirth for girls is not only the result of undeveloped reproductive organs, but is also the result of their lack of agency in making crucial health decisions such as family planning, contraceptive use, and antenatal care given the frequently unbalanced power relationship in the marriage (Burgess et al., 2022; UNFPA, 2015).

Across different countries including India, Ethiopia, Bangladesh, and Afghanistan child brides are more likely to be subject to physical and emotional abuse from their husbands (Nasrullah et al., 2014; Santhya et al., 2010; Yount et al., 2016). Research indicates that child brides are especially likely to experience domestic violence when there is a large age gap between them and their husbands (Clark et al., 2017). In the Gaza strip 63% of child brides reported being subject to at

least one form of domestic violence (PCBS, 2019b). In Egypt, 40% of women married before age 19 report experiencing domestic violence (UNFPA, 2015). These high rates of violence warrant a closer look not into the child brides themselves but into the male demographic that gravitates towards underage females as spouses. The fact that many child brides are wed to men much older than themselves centers the issue of legalized pedophilia, where there are likely important psychological determinants playing a role in a man's decision to marry a child as opposed to selecting an age-appropriate partner. This area of study remains to be explored in future studies as the focus currently remains on the survivors rather than the perpetrators of this phenomenon.

The unusually high rates of intimate partner violence in cases of child marriage subsequently reflects a characterological violent trait that appears prevalent within the population of adult males seeking underage wives. Consequently, it comes as no surprise that women married before the age of 18 are at a significantly higher risk for developing psychological disorders including substance use disorders (Le Strat & Dubertet, 2011) suicidality (Soylu & Ayaz, 2014) and identity confusion (Callaghan et al., 2015). In Iran, women who were married as children were 2.77 times more likely to develop major depressive disorder (Fakhari, 2020). In Niger and Ethiopia John, Edmeades and Murithi (2019) found a negative correlation between child marriage and positive well-being, vitality and general health. The thwarting of childhood and its substitution with household responsibilities, child birthing and rearing, and caretaking of an older man with all the subjugating gendered psychological and physical oppression that comes along with that unbalanced power dynamic, coupled with the educational and professional deprivation and economic dependency that is engendered in these contracts are completely out of touch with the neurological, psychological, and physical developmental stages that girls below the age of 18 are undergoing.

Studies indicate that child and adolescent decision-making follows different neurological pathways than that of adults (Brynes 2002; Knoll et al., 2015). Even if the precondition of consent in child marriage is fulfilled, adolescence is found to be a time of heightened risk-taking behaviours (van Hoorn et al., 2019). Specifically, children differ from adults in their decision-making competence in the domains of advice-seeking, evaluation, and adaptive-goal setting (Brynes 2002) which indicates that goal-oriented and experience-informed cognitive processes have not reached their full maturational stages until adulthood, thereby raising legitimate concerns about the temporal validity of consent to the long-term and complex relational dynamic of marriage along with its multifaceted effects across the child's lifespan. Moreover, the age group of 15-19 is especially prone to conforming to peer norms (Knoll et al, 2015; van Hoorn et al., 2019) which means that if the child is surrounded by social norms that espouse child marriage and normalize the practice, children in this age group are more susceptible to conforming to these norms as evidenced across several studies in which social norms around child marriage was found to be a main driver (Hamad et al., 2019; Sharma et al., 2020). It thus appears that these girls are entrapped not only by harsh socioeconomic factors that make them vulnerable to child marriage, but also by a culture that misleads them into believing they are physically and psychologically equipped to handle the demands of this contract when in fact their bodies and cognition quite plainly cannot accelerate their normal developmental trajectory to meet such age-inappropriate demands.

2.4 Intergenerational Effects of Child Marriage

A growing body of literature confirms intergenerational consequences of child's marriage on her offspring's well-being. child marriage plays a role in offspring development and health through its association with other contextual, socioeconomic, and biological factors. For example, Efevbera and colleagues (2017) conducted a quantitative examination of the intergenerational effects of child marriage, on the developmental and health consequences of children born to women who marry before the age of 18. They used data from 37,558 mother-child pairs identified in 16 national and subnational cross-sectional surveys in sub-Saharan Africa conducted between 2010 and 2014 by the UNICEF Multiple Indicator Clusters Survey program. The Early Childhood De-

-velopment Index was used to measure child development and stunting, to measure health. Using logistic regression, the study found that the odds of being off-track for development and being stunted were 25% and 29% higher, respectively, for children born to women who marry before age 18 compared to those whose mothers married later. Furthermore, the study found that early childbearing was not the sole pathway through which child marriage affected offspring development and health. But also, disparities in advanced maternal education and wealth explained the offspring development and stunting (Efevbera et al., 2017).

It is thus evident that child marriage has a pervasive and multifaceted impact not only on the child who is wed prematurely but also on the wellbeing of her offspring as well as her ability to raise healthy and well-developed children. The physical, psychological, and economic toll of early child marriage has the far-reaching effect of impacting economies that rely on its' individuals for its enlivenment.

2.5 Child Marriage in the Arab Countries: Human Rights Treaties are ratified while Loopholes in National Laws remain pervasive

The 2004 Arab Charter on Human Rights of the League of Arab States declares that all individuals shall enjoy their human rights without any discrimination based on sex, including the right of women to marry with full and free consent (UN-ESCWA, 2015). Furthermore, the vast majority of Arab countries have ratified human rights treaties that obligate them to protect the human rights of girls, including the prohibition of child marriage (UN-ESCWA, 2015; Abu Hamad et al., 2021). For example, most Arab countries ratified the ICESCR of 1966, the 1989 Convention on the Rights of the Child and have acceded to the 1979 CEDAW, with the stipulation that adherence to the provisions of these treaties does not conflict with Islamic Sharia Law (UN-ESCWA, 2015). These instruments are designed to obligate member States to protect the rights of girls, including vis-à-vis child marriage. However, there are various loopholes in Arab States' national laws on the registration of marriage and the legal age of marriage that make the regulation and prevention of child marriage more difficult. For example, provisions in family laws allow for exceptions for child marriage through a judges' approval for exemptions and by permitting male guardians' consent, these exceptions are applied without a lower age limit and are often not outlined (UN-ESCWA, 2015).

The cases of Jordan and Lebanon, for instance, illustrate the negative consequences that can result from exceptions and ambiguities regarding the age at marriage. Although the legal age for marriage in Jordan is 18, there is an exception allowing marriage at 16 in special cases with the consent of the Chief Justice. According to figures from the Chief Justice Department, the Jordanian authorities issued 77,700 marriage contracts in 2017, including 10,434 cases where the bride was under 18 and 299 cases where the groom was under 18 (France 24, 2019). This suggests that exceptions have become the rule. In Lebanon, there is neither a specific marriage age nor a civil law that regulates civil status issues. The matter has been left to the religious courts, some of which allow girls under the age of 15 to marry, raising concerns about the protection of minors and children and their rights. According to the UNICEF report for 2016, the proportion of Lebanese women who married under the age of 18 was around 6% (Human Rights Watch, 2017).

Nevertheless, these laws and regulations, in conjunction with diverse community awareness raising programs, have helped in reducing the rates of child marriage across West Asia and North Africa. These programs have been carried out by civil society organizations and regional networks, alongside governmental Legislations. However, these initiatives are weakened under conditions of sociopolitical unrest. For instance, data from the Council for Foreign Relations show that women and girls in humanitarian conditions fare much less than their counterparts in stable regions across various human development indicators including access to healthcare services and economic opportunities. Child marriage in these contexts is one long-term developmental consequence (UN-ESCWA, 2015).

Table 1: Overview of Age of Marriage Law in selected Arab Countries

Country	Age of Marriage Law
Egypt	The legal age of marriage is 18. According to a panel hosted by the Office of the High Commissioner for Human Rights in Geneva in 2014, 23% of girls married before age 18; as many as 21% married before age 15.
Jordan	The minimum age for marriage is 18. With the consent of both a judge and a guardian, a child as young as 15 years old, in most cases a girl, may be married. The sharia court reported that early marriages comprised 13% of all marriages registered in 2014, with the early marriage rate among registered Syrian refugee's marriages at 31.4% in the first quarter of 2014.
Syria	The legal age for marriage is 18 for men and 17 for girls. A boy or girl who is 15 or older may marry if a judge deems both parties willing, "physically mature," and if the fathers or grandfathers of both parties' consent.
Lebanon	The legal age for marriage is 18 for men and 17 for women. Family matters are governed by confessionally determined personal status law, and minimum ages acceptable for marriage differ accordingly.
Iraq	By law the minimum age of marriage is 15 with parental permission and 18 without. The government made few efforts to enforce the law. Traditional forced marriages of girls as young as age 11 continued, particularly in rural areas.
Oman	The age of legal marriage for men and women is 18 years, although a judge may permit a person to marry younger when the judge or family deemed the marriage was in the minor's interest. Child marriage occurred in rural communities as a traditional practice.
Bahrain	The age of legal marriage for men and women is 18 years, although a judge may permit a person to marry younger when the judge or family deemed the marriage was in the minor's interest. Child marriage occurred in rural communities as a traditional practice.
Morocco	The age of legal marriage for men and women is 18 years, although a judge may permit a person to marry younger when the judge or family deemed the marriage was in the minor's interest. Child marriage occurred in rural communities as a traditional practice.
Algeria	The legal minimum age of marriage is 19 for both men and women, but minors may marry with parental consent, regardless of gender. The law forbids legal guardians from forcing minors under their care to marry against the minor's will.

Source: Department of State Country Reports on Human Rights Practices for 2015
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/>]

Legal pluralism stemming from the country's political history is a key feature of the legal context in Palestine, which has led to the absence of a unified personal status law, amongst others. Up until 2019 the West Bank observed the 1976 Jordan family code which allows for the marriage of girls at the age of 14 years and 6 months, whereas the Gaza Strip follows the 1954 Egypt family law which sets the age of marriage at 17 years old. Historical analysis of Palestinian marriage patterns indicates that in 1992 approximately 17% of girls aged 15-19 years old were married with 39% of mothers endorsing the notion of marriage for their daughter between the ages of 15-18 years old (FAFO 2014 as cited in UN-ESCAW, 2015). Between 1975 and 1995 the mean age of marriage in Palestine sat at 21.7 years. A similar finding was shared by PCBS report in 1998 which estimated that 29.1% of 20-24 years old women were married before the age of 18, with a significantly

higher rate in Gaza at 35.7% (PCBS, 1989 as cited in UN-ECAW, 2015). Between the years 1998 and 2004 the rate of child marriage appears to have declined while data from the World Bank show a slight increase between 2004 and 2010, with Palestine seeing the smallest decline in percentage of girls married before the age of 20 among various Arab counties including Egypt, Kuwait, Tunisia, the UAE and Libya (Rashad et al., 2005).

The highest rates of child marriage in the West Bank region of Palestine are consistently found in Hebron, a community that is subject to one of the harshest forms of Zionist colonial oppression, it thus appears that the practice of child marriage in Palestine is closely tied to economic hardship and religious dogmatism that grows with the escalation of colonial practices by the ongoing Zionist settler colonization, where population growth is a political strategy used by both the native Palestinian as a means of resistance and by the Zionist colony as a means of demographic domination (UN-ESCWA, 2015). Similarly, the fact that Gaza, a city that has been subject to severe economic hardship due to its' ongoing besiegement for over 12 years, has higher rates of child marriage indicates that the link between child marriage and poverty and political unrest are closely tied (UN-ESCWA, 2015).

2.6 The Current Legal Framework for Child Marriage in the West Bank Region of Palestine

The age of 18 is considered legal adulthood in Palestine, as in many other countries. This means that those under the age of 18 are considered children and are subject to different rights and restrictions. Under Palestinian law, persons under the age of 18 have certain limitations and restrictions on various activities. For example, they are not allowed to open a bank account without their guardian's permission. Similarly, moving from one school to another requires parental consent. These rules aim to protect the rights and well-being of minors and children and ensure that they are not subjected to actions that could harm their development or put them in a vulnerable situation. By setting the age of 18 as the cut-off age for various activities, Palestinian law recognizes that individuals must reach a certain level of maturity and decision-making ability before engaging in activities that have a significant impact on their life experiences. Marriage is certainly at the heart of such activities. Regretfully, however, ample evidence shows that under Article 2(2) of Law 21 in Palestine, marriage of children under the age of 18 is legalized. Feminist coalitions in Palestine rejected the exception clause, believing it undermined the law and failed to meet societal needs and country obligations.

Although Palestine has committed to ending child marriage by 2030 in accordance with target 5.3 of the Sustainable Development Goals, which aims to "Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilations" and passed a law in November 2019 raising the minimum age for marriage to 18 for both men and women, a recent report indicates that in 2020 and 2021 alone there were over 10,846 child marriages (Alsharif, 2022). It is estimated that 15% of Palestinian girls are married before the legal marriage age of 18 (UNICEF, 2022). According to article 2 of Legislation 21, passed by the Palestinian Authority in 2019, both parties to be wed must be no less than 18 years old. The law however permits the court to use exemptions under special circumstances, which must be approved by the Chief justice of Palestine. The circumstances under which this exemption can be granted are neither delineated nor outlines by any parameters, thereby weakening the Legislations' prohibition of child marriage at its' core (Alsharif, 2022). The head of the Judicial Inspection department has stated that this exemption is included in order to account for the rare occasions in which child marriage may be necessary, such as when the girl is suddenly orphaned, or when the child brides' legal guardian (father, brother, uncle etc..) must travel prior to the girl's 18th birthday making it imperative to speed the process (Alsharif, 2022). Many Palestinian human rights and women's organizations have since voiced serious concerns about the lack of clarity on the subject of exceptions and have warned that this part of the Legislation leaves room for corruption and essentially legalizes

child marriage. According to Alsharif's report (2022), since the law was issued in 2019, many cases of child marriage have been carried out through marriage offices operating out-of-court system, to be retrospectively registered in the courts for legalization, once the child bride reaches the legal age for marriage. However, if the child-married woman bears a child prior to reaching the legal age, a request is submitted to the Sharia Prosecution to reform the legally corrupt marriage to legalize it retroactively to ensure that the child is granted rights and protection from his father.

Since Legislation 21 passed, more than 500 cases have been filed to retroactively legalize child marriages. Of these, 43 requests were made in one month, in Hebron alone. There are additional complications when a divorce occurs before the registration of such a marriage. In 2020, 21% of divorce cases in the West Bank involved girls between ages 15 and 19. Even though marrying an underage child is punishable by 1-6 months of imprisonment and fines, the process is not monitored or controlled. Alshraif (2022) describes the lack of accountability for conducting these marriages. He reported that one Sheikh describes that even though he has conducted several illegal marriages no authority representative has followed up with him or held him accountable, further stating that the ultimate decision and responsibility for marriage must fall on the girls' father and the husband not the State.

Recently in 2023, AIRiyahi conducted an investigation into child marriage in Palestine for AIMarsad organization. The first part reviews the national PCBS data on marriage and divorce before and after Act 21. In depth interviews followed with adult Gazan women who were child-married, psychologists, social workers and representatives of the Palestinian Subsistence Fund. The study argues that it is highly likely that the law has led to a significant increase in the number of unregistered extrajudicial marriages, particularly in the southern and northern areas of West Bank, thereby jeopardizing the rights of child-married women and the legality of their marital status in the Sharia court system, especially in case of divorce, for the women needs marriage to be proven and legalized first in order to perform a divorce. Furthermore, this makes accurately measuring the magnitude of the child marriage phenomenon an impossible task, leading to misguided intervention programs. The study found that the justifications for child marriage exemption are not documented anywhere and the judge hears them only orally, which is a major limitation to any close examination of the phenomenon. It also noted that the Legislation and its provisions are devoid of specifying the age gap between the "couple". Hence, a man aged thirty and more can apply for an exemption to legally marry a child because the law does not set age difference as a criterion for exemption (AIRiyahi, 2023).

Subsequently, Legislation 21 with its current exemption provision appears to be a gesture of prohibition at best or an institutional evasion of child marriage laws at worst. The exemption, left to the whims and interpretations of each individual, appears to implicitly collude with existing patriarchal social and religious norms that normalize child marriage. Individuals have the option to conduct religious ceremonies below the legal age of marriage with the knowledge that should there be a pregnancy they can request an exemption or, since there is no indication of legal prosecution for breaking Legislation 21, they can simply wait until the girl reaches the legal age to register the marriage in the courts.

To make matters more complicated, Palestinian girls from the West Bank married to Israeli ID cardholders from Jerusalem or the 48-region cannot register their children under their names, since it is also illegal to marry under the age of 18 in Israel, but with enforced punishments. In many cases Palestinian men with an Israeli ID are perceived as desirable since that demographic is permitted greater freedom of movement and economic opportunities than Palestinians locked in the West Bank (Dauod et al., 2018). Once again power dynamics stemming from the Israeli colonialist occupation and its practices become starkly visible as young girls and their families compromise the girl's wellbeing for the hope that she will have access to movement, healthcare services, and hopefully better opportunities. Indeed, in many cases these marriages are attempts to reunite extended family members who were separated by the 1948 and 1967 Zionist invasions (Dauod et al., 2018). However, under the Israeli Family Reunification Order issued in 2003 Palestinian spouses from the West Bank are issued a temporary and very costly permit to

reside in 48-Palestine with their Palestinian partners, renewable every week to six months without access to the vast majority of government services. Given the financial burden and various ethnically -motivated and occupationally-imposed logistical hurdles created around renewal of permits many people fail to renew their permit thereby becoming illegal residents in colonized 48-Palestine. Aside from violating Palestinian women's rights under article 16 and 15 of the UDHR and the UN Convention on the Nationality of Married Women (Dauod et al., 2018), the Israeli Family Reunification order inflates gender-based inequalities, including but not limited to child marriage. In the case of child marriage, child brides from the West Bank married to men in 48-Palestine can neither apply for Family Reunification Permits nor can they claim any rights for their children, which means that until the girl reaches the legal age for marriage according to Israeli law, she has absolutely no rights or legal recourse should she need advocacy in the marriage.

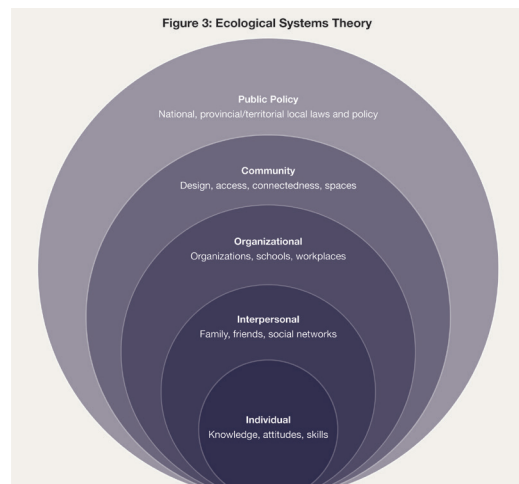
It thus appears that exemptions in the case of child marriages, if at all permitted, must be clearly delineated and heavily scrutinized since in their current undefined form they create murky paths to legal ambiguities and child exploitation, the ramifications of which are very clearly known and documented on a global scale. These murky paths leading to child marriage in Palestine have not been properly examined nor thoroughly documented which undercuts the efficacy of tackling this harmful social behavior. This research attempts to illuminate the roadmap for these paths by exploring the experiences of women who were married off as children, since the issuance of Legislation No. 21 in 2019, and understanding the official and societal paths used to proceed with child marriages, the accompanying facilitating factors, and the possible corrective prospects.

2.7 Conceptual Framework

In this investigation child marriage commonly known as early marriage is viewed as a form of gender-based violence against girls; typically, sexual violence but psychological, economic, and physical violence too. We particularly use patriarchal violence as a framework, as it allows us to better understand the dynamic, interconnected system of institutions, practices, laws, culture, beliefs, and behaviors that supports and causes violence against girls in the form of child marriage, and protects, normalizes, and condones the harm doers who are most often the involved men in their various capacities, whether as the older husband of the child bride, her father and the marriage contract performer. Patriarchal violence upholds, reproduces, and enacts patriarchy and other systems of oppression. It is commonly internalized by everyone; consciously or unconsciously supported by everyone and; can be enacted by anyone who has power over another. This includes mother and/or women elders in the family who enact learned sexist behaviors upon the girl, and oftentimes coerce her into child marriage, using different tactics of internalized sexism. PV examples include the normalization of rape culture, policies and laws that restrict birth control and promote child marriage, among others (Abolishing Patriarchal Violence Innovation Lab, 2019).

Adjacently, our approach relies heavily on the ecological systems theory modeled in Figure 3, right, which is based on the premise that no single factor can explain why some people are at higher risk for certain experiences while others are protected from them.

Developed by Urie Bronfenbrenner, the theory emphasizes the importance of considering multiple interacting systems in a person's environment to understand their development,



behavior and choices. According to this theory, an individual's development is shaped not only by their own characteristics, such as knowledge, attitudes, and skills, and influenced by their immediate environment (such as family and peers), but also by broader societal factors (including cultural norms, economic conditions, and political systems).

Applying this theory to child marriage allows us to examine how different systems interact to influence this phenomenon. It enables a comprehensive understanding of the complex interplay between individual choice, family dynamics, community values, cultural norms, socioeconomic factors, and legal and political structures. This helps researchers and practitioners identify the different levels of intervention needed to effectively address child marriage.

3. METHODOLOGY

3.1 Approach & Design

Research is considered sensitive when it deals with certain topics that are taboo: emotionally charged and anxiety-inducing, and/or when it poses some kind of threat to the participants in the study: the respondents, the researchers or their relatives and people close to them. This sensitivity was identified in the study, so preliminary methodological considerations were performed. First, it is often difficult to gain access to the field and create a sample when the subject being studied and/or the target population is sensitive. This is true of the post Legislation 21 child married women population group who are the main target in this research. Second, potential interpersonal difficulties may arise, forcing researchers to be cognizant of the impact of their intrusion on participants' privacy while building a rapport. Given these specificities, a mixed-method approach was considered the most appropriate for the complementarity of qualitative and quantitative methods offered, and the triangulation of data and use of appropriate techniques that enable data cross checking. The quantitative data were harvested through desk review of available secondary data, and a survey tool, while the qualitative data were collected from focus group discussions, and key informants' individual interviews

- Desk review for secondary data analysis from documentary evidence. This is pertinent previous white and grey literature that includes published and unpublished study reports and documents the investigators could access, including national data sets, and existing policies/laws and strategies to examine the extent of alignment with international instruments. This method seeks gaining insight into the Palestinian operational and strategic country contexts prior to the onset of the fieldwork.
- Primary qualitative & quantitative data collection from direct sources. In total, these data are collected from a total of 211 participants distributed over 4 complementary sub-groups as summarized in the table 2 below.

3.2 Target Population

The primary target population in this research are post-Legislation 21 child-married women, in the West Bank, followed by individuals who have knowledge and/or experience with the phenomenon of child marriage post Legislation 21, and therefore are able to provide information and answers to the study questions. These are as follows;

1. Post-Legislation 21 child-married women.

2. Key Informants and civil society experts; primarily women rights activists, Sharia' Judges and lawyers, marriage officials, and obstetricians & gynecologists.
3. Youth and women groups known for their activism at the community level.

3.3 Sampling Strategy

The sampling strategy in this research was largely influenced by the pervasive social hypersensitivity to the study topic and the lack of any form of sampling frame that would allow for randomization with sufficient sample size to yield generalizable results. Therefore, the research team resorted to non-random sampling methods to generate the information-rich data required to address the topic. These are shown in Table 2 and discussed further below.

1. **Snowball sampling:** is a method that relies on peer referral. Researchers select initial participants who recruit their peers, who then themselves recruit their peers, and so forth until the target sample size is reached or target demographics are achieved. Snowball sampling is most useful in formative research where the goal is to generate some information about an understudied or hard-to-reach populations, such as the case is for the child married women who are otherwise inaccessible for the research team. Employing this sampling method, a total of 126 child married women participated in the survey part of this study.
2. **Critical cases sampling:** is about taking a handful of special cases because they provide detailed information about the target population. In-depth individual interviews were conducted with 6 high risk child-married women. A subsample from the above was invited to these interviews based on the level of marriage criticality. We solicited person-to-person responses to questions designed to obtain in-depth information about the interviewees' perceptions and lived experiences with marriage, in order to develop an understanding of the surrounding influential structures and systems and the way and extent they impact the lives of the participants.
3. **Expert opinion sampling:** is a method that gives preferences to activists, and experts of the subject under study when choosing the sample from the population and their views are regarded as authoritative and significant for the question under investigation. A complementary group of 12 experts and significant others were targeted and interviewed in this study.
4. **Stakeholder sampling:** is about identifying individuals or groups who have an interest or concern in child marriage or may either affect or be affected by it. Eight focus groups discussions were conducted with an average of 7-10 participants per group totaling 67 participants altogether. Per sub-category, 6 youth activists FGDs were held; 3 with male & 3 with female youth, 1 with rural women group and another with urban women group.

3.4 Survey Response Rate

As previously mentioned, a total of 196 child-married women were invited to participate in the survey part of the study. The eligibility criterion was that the actual marriage has taken place at any time from the year 2019 post Legislation 21 endorsement. Of these only 126 accepted and participated in the survey while 70 did not. The only reason given for non-participation was that the husbands refused permission to participate, although the researchers' confirmed confidentiality and anonymity. This brought our response rate to 64.3% that was ultimately achieved through multimode contacts in the form of telephone or face-to-face interview modality, as well as multiple contacts as recruited field researchers. However, it was notable that more than two-thirds (n=45, 64%) of the rejections (non- response) came from Hebron Governorate alone. Rejections from the central and northern West Bank were nearly equal; 13 or 12 percent, respectively.

Table 2: Primary data by sampling method and size and data collection method

Purposive sampling method	Sample size	Data sources	Data collection method
Snowball sampling	126 child married women	Hard –to-reach sample recruited through peer referrals	Survey questionnaire
Critical cases sampling	6 high risk child-married women	Subsample from the above, invited based on the level of marriage criticality.	In-depth individual interview
Expert opinion sampling	12 Key informants	Women rights activists(n=4) Sharia’ Judges (n=2) Sharia lawyers (n=2) Obstetricians & gynecologists. (n=2) Marriage officials (n=2)	Individual interview
Stakeholder sampling	67 men & women in 8 FGDs	6 youth activists FGDs;3 per sex 1 Rural women group 1 Urban women group	Focus Group Discussions (FGD)

There is no set threshold in the research literature for defining a high response rate, but a rate of 80% or more is considered excellent and 60% is very good (Bookera, Austinb, & Balasubramanian, 2021). Other sources also confirm that there is no clear standard for minimum acceptable response rates, which can range from 10% to 75% depending on which study or expert you choose to cite (Keller, 2014). In addition, a study by Suzer-Gurtekin et al. (2016) found that using multiple contacts (more than one researcher) with respondents increased the response rate by an average of 34 percentage points (17.4% to 50.3% and 34.5% to 70.1%, respectively).

3.5 Methods and Tools

1. The survey: A special questionnaire was designed as the survey tool, that was revised, amended and thereafter implemented with the identified child-married women, whose marriages occurred after the passing of Legislation 21, and whose size is not known to the investigators. The tool included sections on; background demographics, drivers of child marriage, justifications for seeking exemptions under the law, mechanisms for child marriage, impacts, and the child married women reflections on their lived experiences, and recommendations.

2. Focus groups discussions (FGDs) were held with a total of 67 men & women in 8 FGDs with a youth majority; both sexes. Out of 8 discussion groups, 6 were held with youth activists. Key discussion points were; Personal and cultural values on child marriage; knowledge about associated harms and risks; practices, behaviors, and challenges; perceived effectiveness of individual (institutional) response; social support available; and suggested possible solutions.

3. Key informants’ interviews with 12 activists, experts and significant others. In identifying potential participants, care was taken to capture child marriage from varying perspectives and viewpoints. Although women rights activists were the main participants in the sample here; Sharia’ Judges, Sharia’ lawyers, registered and unregistered marriage officials, and obstetricians and gynecologists of both sexes were also targeted and interviewed.

4. Validation and recommendations workshop involving key internal and external stakeholders (30 individuals) with the view of strengthening the quality of the generated data and authenticate it, in addition to promoting stakeholder engagement. A PowerPoint presentation was the tool used for sharing the results instigating discussion, and receiving feedback and comments towards strengthening the arguments incorporated into the final study report.

3.6 Data Analysis

Quantitative data compiled primarily from the survey were coded and entered into the Excel data sheets and analyzed employing basic statistical tests as needed to fill information gaps as per the set research objectives and aim.

Thematic analysis was conducted on the qualitative data drawn from recorded individual interviews and FGDs. Recordings were turned into textual transcripts that were categorized into recurrent themes drawing topics that are relevant to the study objectives. This was done following Braun and Clarke's thematic analysis method (2021) which is an iterative process consisting of six steps: (1) becoming familiar with the data, (2) generating codes, (3) generating themes, (4) reviewing themes, (5) defining and naming themes, and (6) locating exemplars. Braun and Clarke (2021) argue that a theme captures a salient aspect of the data in a structured way, regardless of whether that theme captures the majority experience. While recognizing a pattern may entail recognizing frequency, the primary concern is creating meaning, not emphasizing quantity. Both types data were triangulated and crosschecked for validation and further interpretation to make appropriate conclusions and recommendations.

4. DATA ANALYSIS & KEY FINDINGS

4.1 Selected National Data on Child Marriage in Palestine

Secondary analysis of selected national PCBS data on marriage in Palestine was performed using available raw data obtained from the Bureau for the years 2019, 2020 and 2021. Given the focus and purpose of this study, we included in our analysis only marriages of men and women under the age of 18 at the time of marriage registration, in both the West Bank and Gaza.

A review of data for three consecutive years in the West Bank compared to Gaza shows an overall decrease in child marriages over the three years; However, this was significant in the West Bank (14.1%) compared to negligible levels in Gaza (1.6%). This is consistent with the fact that Legislation 21 enacted by presidential decree and ratified in 2019 to raise the legal age for marriage to 18 for both parties only came into force in the West Bank and not in Gaza. Assuming that the significant drop in child marriages in the West Bank (4.3%) in 2020 was highly influenced by the Covid-19 pandemic restrictive measures, the observed increase to 5.6% in the following 2021 signifies indulgence and complacency of the Sharia court officials in implementing the law, particularly Article 2(2) that provides the judge power of discretion to grant exemption for child marriage, albeit with unspecified criteria. More details are found in table 3 below.

Table 3: Registered child marriages in Palestine by region and year (N & %)

2021		2020		2019		السنوات/ المنطقة Years/Region
عدد ونسبة الزيجات بعمر أقل من 18 عام Number and percent of the under 18 marriages	إجمالي عدد الزيجات Total number of marriages	عدد ونسبة الزيجات بعمر أقل من 18 عام Number and percent of the under 18 marriages	إجمالي عدد الزيجات Total number of marriages	عدد ونسبة الزيجات بعمر أقل من 18 عام Number and percent of the under 18 marriages	إجمالي عدد الزيجات Total number of marriages	
(%12.0) 5384	45,018	(%12.4) 5102	41,221	(%20.2) 8971	44,320	فلسطين Palestine
(%5.6) 1363	24,443	(%4.3) 889	20,493	(%19.7) 5383	27,280	الضفة الغربية West Bank
(%19.5) 4021	20,575	(%20.4) 4231	20,728	(%21.1) 3588	17,040	قطاع غزة Gaza Strip

Source: Palestinian Central Bureau of Statistics, 2023. Marriage and Divorce Database, Ramallah- Palestine

Table 4 below shows distribution of registered child marriages in Palestine in 2019 by sex, region and governorate. The data shows that in that year about 40% of girls and 57% of boys' child marriages took place in Gaza, with the numbers being particularly high in Gaza City and Northern Gaza Governorate. In the West Bank, the governorate of Hebron ranks alarmingly at the top for both sexes, followed by Ramallah and AlBireh, Jerusalem and Nablus, all consecutively, with a substantial distance from Hebron. The data also shows that child marriages began at age 15 for boys, compared to 13 for girls in Gaza and 14 in the West Bank. However, for both sexes, 72% and 95% of all girl and boy marriages occurred at ages 16 and 17, respectively, meaning that age 16 could easily be set as the lower limit of well-defined conditions for exemptions under the law, should the needed advocacy work be done.

Table 5 shows similar data for 2020, which is marked by restrictive measures related to the Covid-19 pandemic. A significant drop in the total number of child marriages this year, down about 43% from last year, is the most obvious observation to make. However, this decrease was only seen in the West Bank Governorates, particularly for girl marriages, where only 18% of child marriages were registered. Of these the majority are in Hebron followed by Nablus and Jerusalem. Meanwhile, Gaza has seen a significant increase in child marriages of both sexes. Among girls in particular, child marriages accounted for 82% of the total in Palestine in the same year. Understandably, this is because Legislation 21 was enacted in the West Bank but not in Gaza. But in the context of observed marriage practices, this understanding is multifaceted. While some of this could mean a real decline in child marriages, it certainly ignores all the child marriages that are commonly performed outside the court system by unregistered marriage officials in cases where exemptions have not been possible to attain. These marriages that are considered corrupt by law continue to be unregistered and unreported.

Table 4: Registered child marriages in Palestine in 2019 by sex, region and governorate

Age in years العمر بالسنوات									Governorate المحافظة	
الذكور Males				الإناث Females						
17	16	15	17	16	15	14	13			
8	3	0	214	133	85	40	0	0	Jenin جنين	
2	1	0	57	30	26	8	0	0	Tubas and Northern Aghwar طوباس والأغوار الشمالية	
4	2	0	112	70	54	18	0	0	Tulkarem طولكرم	
19	3	0	260	141	93	35	0	0	Nablus نابلس	
0	0	0	108	65	32	23	0	0	Qalqilya قلقيلية	
3	0	0	43	48	23	6	0	0	Salfit سلفيت	
5	0	0	167	146	71	25	0	0	Ramallah & AlBireh رام الله والبيرة	
3	0	0	16	19	7	3	0	0	Jericho & AlAghwar أريحا والأغوار	
4	2	0	175	143	56	9	0	0	Jerusalem القدس	
3	1	0	128	83	51	5	0	0	Bethlehem بيت لحم	
91	44	8	854	741	503	251	0	0	Hebron الخليل	
206			5177					West Bank totals الضفة / المنطقة		
42	20	5	255	269	187	124	1	0	Northern Gaza شمال غزة	
41	12	4	591	459	274	105	0	0	Gaza غزة	
11	4	0	126	82	44	16	0	0	Dair ElBalah دير البلح	
20	12	2	215	171	125	35	1	0	Khan Younes خان يونس	
15	5	0	127	109	58	21	0	0	Rafah رفح	
193			3395					Gaza strip Totals غزة / المنطقة		
271	109	19	3,448	2,709	1,689	724	2	0	Totals by age المجاميع الكلية حسب العمر	
399			8572					Totals by sex المجاميع الكلية حسب الجنس		

Table 5: Registered child marriages in Palestine in 2020 by sex, region and governorate

Age in years العمر بالسنوات									Governorate المحافظة	
الذكور Males				الإناث Females						
17	16	15	14	17	16	15	14	13		
1	1	0	0	67	14	0	0	0	Jenin جنين	
0	0	0	0	10	3	1	0	0	Tubas & Northern Aghwar طوباس والأغوار الشمالية	
0	0	0	0	37	6	2	0	0	Tulkarem طولكرم	
1	0	0	0	104	16	0	1	0	Nablus نابلس	
2	0	0	0	33	6	0	0	0	Qalqilya قلقيلية	
0	1	0	0	28	7	0	1	0	Salfit سلفيت	
0	0	0	0	79	6	0	0	0	Ramallah & AlBireh رام الله والبيرة	
0	0	0	0	9	0	1	0	0	Jericho & AlAghwar أريحا والأغوار	
1	0	0	0	94	34	20	0	0	Jerusalem القدس	
0	0	0	0	18	0	1	0	0	Bethlehem بيت لحم	
0	1	0	0	228	50	4	1	0	Hebron الخليل	
8			881					West Bank totals الضفة / المنطقة		
57	24	6	0	410	336	246	145	1	Northern Gaza شمال غزة	
44	16	4	1	637	500	309	105	0	Gaza غزة	
12	5	0	0	144	76	45	22	0	Dair ElBalah دير البلح	
18	1	3	0	288	231	114	23	0	Khan Younes خان يونس	
13	3	0	0	166	118	60	30	0	Rafah رفح	
207			4006					Gaza strip Totals غزة / المنطقة		
149	52	13	1	2,352	1,403	803	328	1	Totals by age المجاميع الكلية حسب العمر	
215			4887					Totals by sex المجاميع الكلية حسب الجنس		

Examining the year 2021 data shown in table 6 below, the West Bank has seen a regression with around 35% increase from the previous year, with more than third of the increase (36%) attributable to Hebron alone. Jenin, Ramallah and AlBireh, and Nablus followed one after the other, with a considerable difference in the increase between them all and Hebron. The difference in the distribution pattern between the West Bank and Gaza remains that child marriages in Gaza are quite dispersed across the four ages of 14, 15, 16 and 17 for girls and 15, 16 and 17 for boys, while they are highly confined between 16 and 17 years for girls and 17 for boys in the West Bank. In addition, Northern Gaza, Gaza City and Hebron Governorates continue to fare worst of all in the extent of child marriage prevalence. It's pretty much the same over the three years.

In particular, the changes in the West Bank could be due to the lifting of the pandemic containment measures, the lack of a dissuasive penalty for conducting illicit child marriages outside the court system at the time of legalization in court, as well as a lack of accountability for the permissive and even accommodating application of the exemption clause on the part of Sharia -Court officials. The data collected in this study broadly support the latter two arguments.

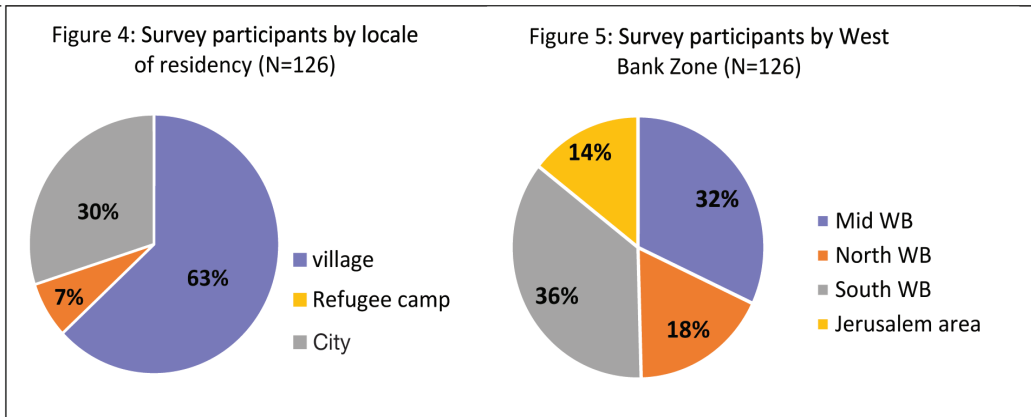
Table 6: Registered child marriages in Palestine in 2021 by sex, region & governorate

العمر بالسنوات Age in years							المحافظة Governorate
الذكور Males			الإناث Females				
17	16	15	17	16	15	14	
2	0	0	151	1	1	0	Jenin جنين
0	0	0	27	0	0	0	Tubas and Northern Aghwar طوباس والأغوار الشمالية
0	0	0	80	1	0	0	Tulkarem طولكرم
0	0	0	130	4	0	0	Nablus نابلس
2	0	0	79	1	1	0	Qalqilya قلقيلية
0	0	0	43	1	0	0	Salfit سلفيت
1	0	0	148	1	0	0	Ramallah & AlBireh رام الله والبيرة
0	0	0	17	0	1	0	Jericho & AlAghwar أريحا والأغوار
2	0	0	106	56	12	0	Jerusalem القدس
0	0	0	55	0	0	1	Bethlehem بيت لحم
3	1	0	428	6	1	0	Hebron الخليل
11			1352				West Bank totals المجاميع حسب المنطقة / الضفة
40	25	14	366	302	224	151	Northern Gaza شمال غزة
44	8	6	659	483	272	128	Gaza غزة
9	6	0	134	100	54	24	Dair ElBalah دير البلح
9	9	1	261	195	125	37	Khan Younes خانيونس
7	2	1	149	95	68	13	Rafah رفح
181			3840				Gaza Strip Totals المجاميع حسب المنطقة / غزة
109	50	22	2833	1246	759	354	Totals by age المجاميع الكلية حسب العمر
192			5192				Totals by sex المجاميع الكلية حسب الجنس

4.2 Primary Data Analysis

4.2.1 Background of the Surveyed Child Married Women

A key part of this empirical research, conducted between March and August 2023, examined the justifications for obtaining child marriage exemptions under Act 21. This was done largely from the perspective and lived experiences of 126 child married women, post-Legislation. As shown in Figure 4 below, by locale, close to two-thirds (63%) were from rural communities, 30% from urban communities, and just 7% from refugee camps. Of the West Bank zones, more than a third (36%) were from South West Bank, around another third (32%) from the center, and the final third was almost evenly distributed between North West Bank (18%) and Jerusalem (14%).



With regard to respondents' marriage process, we distinguished between customary legally corrupt marriage performed outside the court system, typically by unregistered marriage officials, and the registered legal marriage performed within the court system by the registered marriage officials. Figures 6 and 7 below show data on customary marriages as discussed here. It is evident that the data in Figure 6 are consistent with the corresponding PCBS data on registered child marriages discussed previously. Again, most (80%) of the extrajudicial marriage contracts involved girls aged between 16 and 17 years. However, the remaining percentage of 20 of 4 and 16, occurring consecutively at ages 14 or less and 15, poses a higher risk for girls' mental and physical well-being because they are younger children with lower maturity levels.

Figure 7 shows that a majority (38%) of extrajudicial child marriages took place in 2019, the same year that Law 21 came into force, which may be owed to a lack of awareness of the law, its implementation, or enforcement given its novelty. The following year shows a significant drop to 20% due to the imposed Covid-19 pandemic restrictive measures especially about gathering. Conversely, this also led to marriage easing requirements and ceremonies, and therefore lower costs that served as a pro-marriage factor.

Figure 6: Survey participants by age at extrajudicial marriage completion

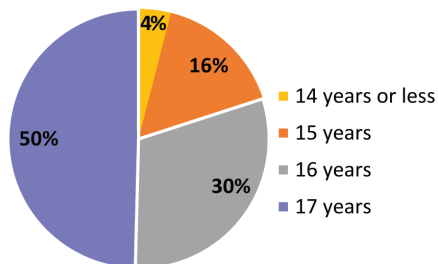
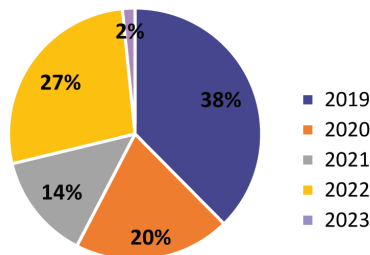


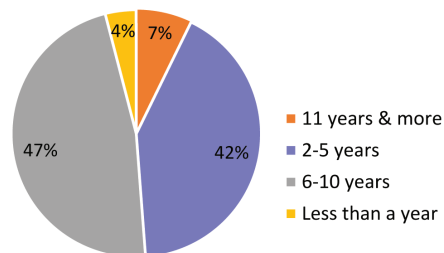
Figure 7: Survey participants by year of extrajudicial marriage completion



The following year 2022 marks an increase to an alarming 27% of marriages among our survey participants after the lifting of Covid-19 measures and three years-post-21 Act. In 2023 only 2% of out-of-court marriages were declared in this study. We attribute this unreal drop to the fact that the vast majority of the non-response came from this year's child-married women, peer recruiters reported.

The age gap between the child married women and the husbands was one area this study explored, as illustrated in Figure 8 on the left. For 42% of the survey participants the age difference between the couple ranged between 2-5 years. Bearing in mind that the ages of the child married women don't exceed 17 at best and 14 years or less in some cases, this means that to a substantial extent husbands themselves are children too. This is on top of the 4% marriages where the age gap is less than a year. Pedophilia may be a serious issue in girl child marriages, in general, but with particular reference to the age gaps are 11 years or more.

Figure 8: Survey participants by age difference with the husband



4.2.2 Domains and Themes

A total of 18 individual interviews and 8 group interviews in focus groups discussions were held with a total of 67 participating male and female youth and adults. This is in addition to the 126 child-married women survey participants, whose background characteristics were discussed in the previous section. All the methods combined resulted in 19 themes in four distinct domains, as listed in Table 7 below. Each domain with its' stemming themes is discussed in details using many translated excerpts derived from qualitative data supported by figures and tables presenting the survey's quantitative data.

4.2.3 Domain 1: Drivers of Child Marriage

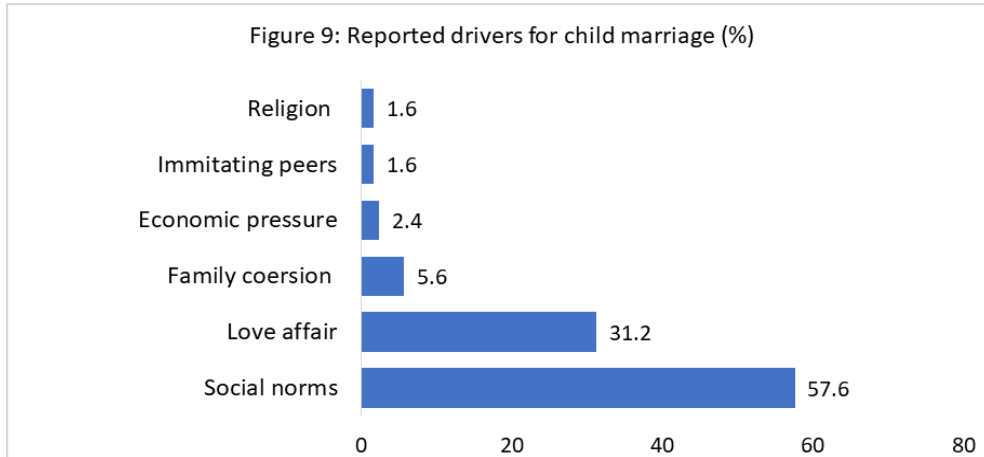
Both child married women and key informants named various reasons as to why child marriage remains an active practice today. Child married women described many drivers operating on the individual, interpersonal, community and societal levels that facilitated their child marriage. The most frequently cited reasons were social norms, including family and peer pressure, as well as the pressure of leaving broken homes. Many described their underdeveloped understanding of the workings of marriage, and of their relinquished rights when marrying underage. While others attributed child marriage to their struggle with academic achievement in school. Key informants further emphasized these drivers and described their observations of the prevalence of child marriage across different regions and the role of financial hardship in expediting child marriage in financially-taxed families.

Table 7: Domains and themes generated from the primary qualitative and quantitative data

Domain	Theme
Domain 1. Drivers of child marriage	
	Theme 1.1 Social Norms
	Theme 1.2 Educational alienation
	Theme 1.3 Age-congruent naivete
	Theme 1.4 Geographical variation
	Theme 1.5 Socio-economic and Familial hardship
Domain 2. Mechanisms for child marriage	
	Theme 2.1 Lack of Accountability
	Theme 2.2 Ideological dogmatism
	Theme 2.3 Exploitation of honor norms
	Theme 2.4 Outsourcing local barriers
	Theme 2.5 Illness & imminent family death
Domain 3. Impacts of child marriage	
	Theme 3.1 Violence
	Theme 3.2 Financial dependency
	Theme 3.3 Sexual and reproductive suffering
	Theme 3.4 Relinquishment of rights
Domain 4. Reflections & Recommendations	
	Theme 4.1 Survivors' reflections
	Theme 4.2 The power of education
	Theme 4.3 Deterring penalty
	Theme 4.4 Parental awareness
	Theme 4.5 Outgrowing destructive norms

4.2.4 Theme 1.1 Social Norms

Around two thirds (58%) of the participants surveyed believe that social norms are a strong driver for child marriage, followed by love affairs (emotional needs) with one third (31%). About 6% saw family pressures as a trigger and only a few saw economic pressure (hardship), peer imitation (age-congruent naivety) and religion as drivers for child marriage, as shown in Figure 9 below.



In concurrence, individually interviewed participants described the strong role social norms played in their child marriage. Dalal, from Hebron, who was married at 2022 at the age of 15 years old described the normalcy of underage marriage within her family, and noted its' facilitating role in her marriage at 15.

“My sister married before me when she was 13 years old, so I thought if she got married so young then I can get married too.”

Here the immediate effect of family norms and internal culture are clearly emphasized in informing the decision-making process of child married women. With the precedent being set by another sibling, child marriage was perceived as normal and feasible for Dalal at age 15, who married a man 10 years her senior. Similarly, Laila, from Hebron, who got married at age 16, underscores the same powerful effect that siblings can have on facilitating child marriage.

“My sister was the person who convinced me the most, also my friend, who was married to one of the grooms’ relatives, kept pushing me to do it until I got influenced and to a large extent agreed to marry him because of her pressure.”

In fact, there was a general consensus among most participants, regardless of their viewpoint on child marriage, that family norms, especially the parents’ views, are primary influencers in the exercise of child marriage. For instance, one unregistered marriage official in Hebron stresses the impact of parental beliefs.

“The primary influencer is the family, the fathers’ culture and beliefs, and the mothers’ influence on her daughter.”

On the other hand, Karima, a resident of Hebron who was married at age 16, highlights the effects of the wider peer social norms by noting the normalization of child marriage among her peers and classmates.

“So many girls around me got married at my age or even younger so I was used to the idea that there was no problem in getting married young and that whenever a suitable prospect comes along the girl should accept it regardless of her age.”

Karima, who is married to a man 9 years her senior, notes here the subliminal urgency that's conveyed to girls around marriage, where “suitable prospects” are perceived as opportunities to be seized with little consideration to ones' own readiness and desires. Marriage is thus prioritized over myriad key factors, chief of which is the girls' age. Furthermore, Karima elaborates on the domination-rooted logic employed by the community in the practice of child marriage.

“There's a preference for young girls because they {men} believe they can mold her when she's young “I'll raise her with my two hands” is the saying. That way he can control her and have her obey his orders and demands without developing the ability to push back or debate.”

Karima here locates a core belief that drives child marriage, one that is supported by several other participants, wherein it is believed that marrying a young girl ensures the establishment of full domination and control over her behaviors and lifestyle. Indeed, this belief unabashedly owns the oppressive nature of this practice and underscores the psychological domination that is instilled in young women by their husbands when it is done systemically and protractedly. Subsequently, social norms on the familial and societal levels espoused by the families of young women and girls are clearly strong factors in the decision to marry at a young age.

4.2.5 Theme 1.2 Educational Alienation

Participants described academic struggles as a reoccurring driver to child marriage. Many child-married participants noted their disinterest and hopelessness about their education and their perception of marriage as an accessible exit from continuing their studies. Dalal puts it very clearly as she elaborates on her earlier assessment between school and marriage.

“Some girls, myself included, saw marriage as a way to get out of school. I didn't like school then. After experience, I can say that with all the challenges in school it still would've been easier than the burdens of marriage.”

Here Dalal reflects back on her young evaluation and is heard wishing she had made a different choice. When given the option, a child struggling with schooling without adult guidance is susceptible to taking a seemingly easier route if not properly informed. This same sentiment is echoed by Laila.

“I didn't like school and marriage seemed like the escape” and Karima “I didn't like school and I wasn't doing very well at it.”

Young girls struggling with their studies and left to their own devices in this developmentally critical phase appear to find marriage, with the little they know about it, as a viable alternative. In fact, it appears that the relationship between school drop-out and child marriage is commonly known even among observers. For example, a key informant in a focus group held in the suburbs of Hebron notes.

“Most of the girls who are early married are the ones who drop out of schools and are sitting at home, they have nothing else to do so getting married early is a natural progression.”

Another key informant shared in a focus group her experience with two 15-year-olds who, due to their struggles in school, were made to consider the option of dropping out and marrying early as a solution.

“One of the cases I saw was a 15-year-old boy who wanted to drop out of school and start working and get married because of how outraged he was at one of his teachers...another case I saw was a 15-year-old girl whose family was pressuring her and depriving her of participating in extracellular activities, they wanted to marry her off because she was doing poorly at school.”

Indeed, there seems to be a negative relationship between education and marriage held by the community at large as one key informant, a 24-year-old feminist activist and social work volunteer from Nablus describes the implicit stigma associated with educated women as undesirable partners.

“When it comes to marriage people stop to reconsider the educated woman, they would rather marry their sons to young girls who haven’t finished school so they can raise them how they wish.”

There is a shared understanding that education is a threat to domination and control. Another informant from Hebron puts it eloquently.

“In this part of Hebron there is increasing awareness among girls of the importance of education as a woman’s’ weapon for the future. In doing so, they become able to make their own choices and live the lives they want.”

Conversely, this theme shows that girls who are facing academic struggles in an area with popularized beliefs on child marriage are at high risk of being child married. While children may face academic struggles for myriad reasons, it appears that a frequently taken and highly misleading route is that of marriage.

4.2.6 Theme 1.3 Age-Congruent Naivete

Several participants described their young and naïve conceptualization of marriage as playing a key role in their child marriage. Many noted having childish and unrealistic expectations of marriage, likening it to Turkish telenovelas filled with passion, romance, and care. Furthermore, several of them noted their lack of knowledge around the legality, or lack thereof, of their marriage contracts and of their lost rights in the process. These gaps in information and naïve expectations are age appropriate and indeed to be expected among teenagers of both genders. It is difficult to fault a child for not fully grasping laws that should not be applied to her. For instance, Dalal describes her intense disillusionment and her disappointment.

“I used to think of marriage as a rosy affair, full of romantic dates, attention, promises, care and reciprocity. I had big expectations. After I got married that all changed, the feelings went away and treatment became awful. The responsibility was much greater than I expected and the burden is so heavy I can’t bear it.”

This excerpt demonstrates the evidently young and understandable expectations of a teenage girl whose hopes were dashed by the harsh reality of child marriage. This participant further highlights the young and inexperienced vision of a teenager undertaking a commitment much greater than her experiences so far. Similarly, another participant described her severe disillusionment with married life upon discovering how vastly different it was from what she thought it to be.

“I got married at 17 though a traditional match. I felt curious about what awaits, I wondered whether I was up to the responsibility or not. I felt a lot of regret and sadness after going through with it, there was such a big age difference, he was old and I was so young he wouldn’t accept any of my ideas. Every time I would try to convince him of something he would refuse my point of view because I was so much younger and he thought he knew what was best.”

Motivated to marry primarily out of curiosity, it is clear that this participant approached marriage with intrigue that did not match the weight of the commitment she was undertaking. This youthful curiosity is echoed in Karima’s excerpt where she describes her regret upon experiencing the weight and responsibility of her married life.

“Before I got married, I knew marriage came with responsibility but after I got married, I discovered that these responsibilities are much greater than I thought. My expectations of marriage were very different from what it actually was. I had a lot of regrets and I wish I could go back in time to undo this decision.”

The lack of understanding of the intricacies and demands of married life is entirely understandable among young girls who have had minimal experiences with long term commitments and responsibility. The complexity of the contract extends far beyond house chores. For example, Laila here describes her age-appropriate ignorance of marriage laws which robbed her of rights she was unaware she was forfeiting.

“I got married and pregnant and divorced without knowing that I had no legal rights since my marriage wasn’t legal.... I had no understanding of what I was doing, I was young and naïve. I didn’t understand the magnitude of this issue....my expectations were simple.”

Perhaps nowhere else is this youthful ignorance better captured than in one participant’s description of how she was married without her knowledge.

“Some people visited us at home and I saw them reading AlFatihah. I asked what was going on and they told me I had just been engaged, I didn’t know I was getting engaged. The next day we went to the court and when uncle {the judge} asked me if I agreed to marry my dad glared menacingly at me so I got scared and said yes.”

Subsequently, it can easily be surmised that the sense of responsibility surrounding these commitments was missed by these young women who were made to transition abruptly and with little guidance into lives that did not match their lived experiences or developmental stage. They were made to wander into these intricate contracts with total disregard to their preparedness, or lack thereof, for marriage and its many demands. One marriage official put it well in his interview.

“We see a lot of family pressure on the girl to marry, she’s often too young and immature to bear and defend against these pressures.”

4.2.7 Theme 1.4 Geographical Variation

In the previous sections, evidence of geographic differences was presented using national data from the Palestinian Central Bureau of Statistics, classified by region and governorate. This was confirmed by our response and non-response rates in the West Bank areas, the latter coming mainly from the Hebron governorate. Further evidence comes from qualitative data collected in this study in individual and group interviews. Participants noted the geographic variability in child marriage rates, which is directly related to the prevailing social norms of the area. The societal norms and practices espoused in certain urban and rural communities therefore appear to be linked to the popularity and acceptance of child marriage practices. A key focus group informant notes the variability she experienced in two zones in Nablus governorate.

“I see the variation in rates of child marriage across zones as being due to the variation in the local cultural norms and traditions of each...I personally experienced this when I married in a different area so for example in Huwarra child marriage is frowned up and is infrequent ... but when I married in Beit Furik I noticed that child marriage in a strange way, the idea of a young girl dropping out of school and getting married is so normal and acceptable there.”

Here, the participant is able to locate the relationship between social norms and the prevalence of child marriage, further emphasizing the impact of society's beliefs and attitudes on this practice. Another key informant in a focus group describes the variation she has observed across villages in Hebron.

“There is a variation in society's outlook on child marriage, in Beit Ola village and the neighboring villages, some believe that it's essential to marry girls as soon as they hit puberty, so at 14, while others stress the importance of educating girls first. No group can overpower the other it seems.”

Similarly, two key informants in a focus group corroborate the variability they have observed between Eastern and Northern Nablus, where Eastern Nablus appears to be more stringently governed by dated traditions and customs and thus more active in the practice of child marriage.

“There is a difference between eastern Nablus and northern Nablus in the practice of child marriage. Most people in Eastern Nablus hold on to customs and traditions and the rates of child marriage there are higher, whereas northern Nablus or the middle there's more openness to new ways.”

In the same vein, another key informant noted that very difference within the Nablus governorate.

“In the eastern part {Nablus} there isn't much awareness around the harms of child marriage. The dominating principle is that “we got married young, why wouldn't we marry our daughters early as well?”

This excerpt alludes to the essential role of unexplored inter-generational transmission of trauma both in practice and beliefs, wherein parents who were subjected to child marriage themselves, having not fully grasped the impact of this practice on their own lives, propagate the continuation of the same practice unto their children.

Overall, these observations point to the variability of prevalence of child marriage in relationship to the norms endorsed by that community. This is indicative of the importance of area-targeted interventions that could address the needs of each locality in line with the beliefs and attitudes of the population.

4.2.8 Theme 1.5 Socioeconomic and Familial Hardship.

In the previous sections, evidence of geographic differences was presented using national data from the Palestinian Central Bureau of Statistics, classified by region and governorate. This was confirmed by our response and non-response rates in the West Bank areas, the latter coming mainly from the Hebron governorate. Further evidence comes from qualitative data collected in this study in individual and group interviews. Participants noted the geographic variability in child marriage rates, which is directly related to the prevailing social norms of the area. The societal norms and practices espoused in certain urban and rural communities therefore appear to be linked to the popularity and acceptance of child marriage practices. A key focus group informant notes the variability she experienced in two zones in Nablus governorate.

Table 8: Percentages of the surveyed child married women by selected characteristics

Grown in large nuclear families of 8 offspring or more.	75
Were the eldest or second child in the family.	37
Grown in dysfunctional families with economic difficulties, violence or divorce.	22
Father is polygamous or dead.	10
Know under-18 marriage is illegal but were persuaded to do it.	68
Were completely unwilling or unwilling but couldn't refuse marriage.	34
Got married to a relative.	40

The table also shows that girls in these families have little autonomy in making decisions. According to the results, 68% said they knew marriages under the age of 18 were illegal and 34% of the participants did not want to get married but could not refuse. Several factors, such as family pressures and persuasion efforts, pushed them towards child marriage. Among other things, this led to the fact that a total of 40% of the participants entered into consanguineous marriages.

An important theme that surfaced among qualitative methods participants was the role of familial discord and financial hardships in the parents' homes as drivers of child marriage. One participant from Jerusalem notes that a primary reason she got married young was due to the pressure and implicit shaming she was subjected to over her parents' separation

“I got married young because my mom and dad were separated, they couldn't get along and so I was scattered all over the place and people kept pressuring my parents so I had to marry.”

This participant points to a severe trickledown effect of separation and divorce within conservative communities on the child, where she was pressured to marry in order to separate herself from the perceived broken home of her parents. Another participant from Jerusalem conveys the decision to marry young as a desperate attempt to flee her abusive childhood home.

“There were a lot of problems between my parents and my dad was very violent towards me. It was hell living there so I got married to get out of there. My husband knew it and treated me with arrogance over it, I was very sensitive and we had a lot of problems as a result.”

This excerpt demonstrates the compounded trauma inflicted upon a child fleeing an abusive home, where child marriage proves to be another abusive destination as opposed to a protective and restorative one as the participant had hoped it would be.

Abusive family homes are further emphasized in one psychologists' description of the exploitation of the child by the father to make money by repeatedly marrying and divorcing his daughter.

“I see that a big driver of early marriage is the parents need for financial gains, they see it as a source of money, they take her dowry. I recall one case I saw for a 30-year-old woman who had been married 5 times starting at a very early age and the reason behind it was her father who kept marrying her off, taking her dowry then divorcing her to marry her off again. It was truly a form of trafficking.”

Here it is blatantly evident that the father had identified a culturally sanctioned way to traffic his own daughter. Indeed, resorting to child marriage as a result of financial hardship appears to be closely tied with abusive family homes as further evidenced in another key informants' description.

"I can't help but recall the case of a family with 9 children, the mother was married early, at 33 she was now a grandmother and has had a very difficult life with a violent husband. The husband works in construction part-time and the financial burden became too heavy for him to carry so he decided to marry his eldest daughter, 17 years old, as soon as she got a proposal.... He married the eldest, who is suffering a terrible marriage, and even though the mother herself was married early and had a difficult life because of it she now wants to marry off her other daughter at 16 to get her away from her fathers' violence."

It thus appears that financial hardship alone is infrequently observed as the sole driver of child marriage, rather it is often coupled with a violent family environment resulting in the use of child marriage as a solution.

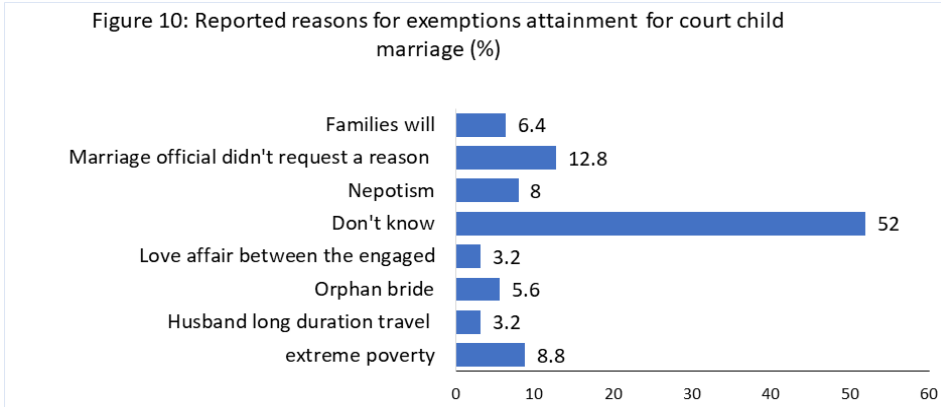
4.2.9 Domain 2: Mechanisms for Child Marriage

The quantitative survey data indicate that obtaining exemptions is a key mechanism used for child marriage. Out of the total 126 child-married women post-law 21 endorsement, 92.8% confirmed their marriage registration at the Sharia Court. This was either through obtaining exemptions when concluding marriage contracts in court (34.4%), which the court accepted for a variety of unspecified reasons or without reasons, or through subsequent correction of their extrajudicial corrupt marriages by the court (58.4%) after initially failing to obtain exemptions.

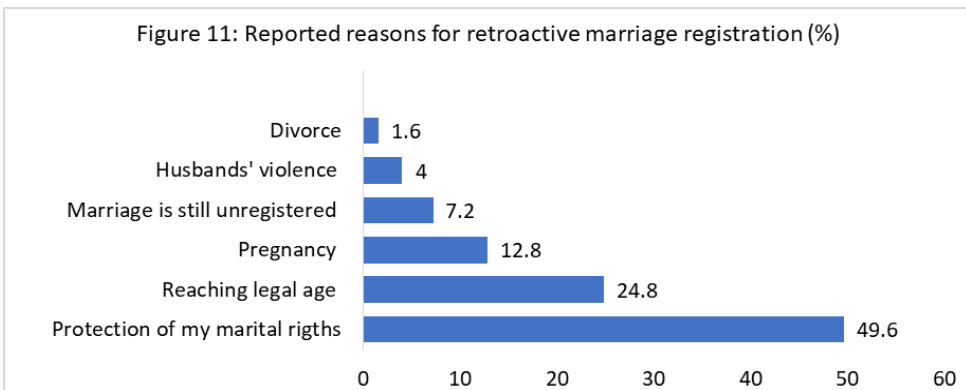
Likewise, interviewed participants described methods for carrying out child marriage. The chief mechanism for many child-married participants was to outsource legal marriage contract by completing the marriage contract extrajudicially through an unregistered marriage official using different tools including connections and nepotism. Many participants described the lack of cooperation in supporting Legislation 21 from Sharia court officials who hold antiquated beliefs around child marriage and are thus unmotivated to implement Legislation 21, while others described the exploitation of the threat of sexual misconduct among young people as an urgent motivator for granting exemption from the law.

4.2.10 Theme 2.1 Lack of Accountability

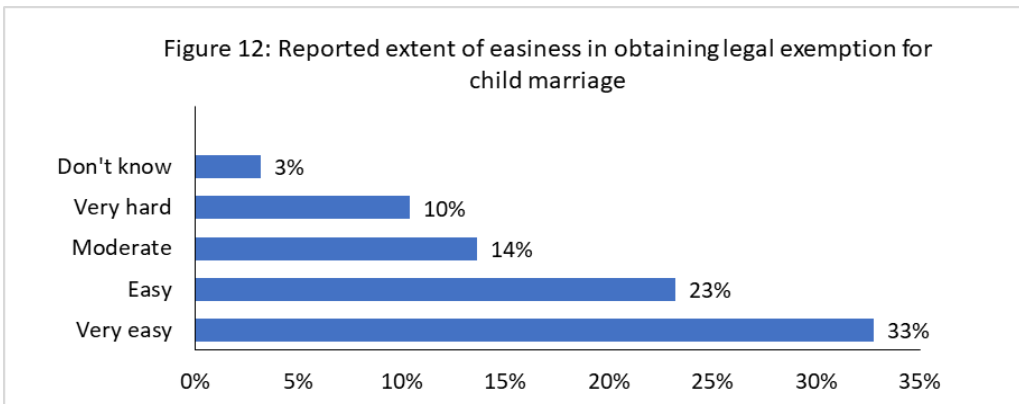
Those who were able to obtain an exemption and legally entered into the institution of marriage were asked about the reasons given to the court to justify the exemption request. As shown in Figure 10 below, more than the half (52%) said they did not know the reasons. It is highly probable that there has been no legitimate reason which the participants are willing or allowed to declare. This interpretation is well supported by the response "marriage official in the court didn't request a reason" coming from 12.8%, which holds obvious implications for the courts' current accountability measures, or their lack thereof. For 8% nepotism was the means used and for 6.4% family will was a reason good enough to obtain an exemption. Families' exploitation of honor norms mirror in the existence of love affairs between the engaged couple as a reason to obtain exemption for child marriage by 3.2%, suggesting a perceived need for honor protection due to premature sex this may trigger, they assume. Extreme poverty was a reason for exemption for 8.8%, orphan bride for 5.6% and groom intended long-duration travel for 3.2% of the surveyed. Compared to these later three justifications, the triviality of the former reasons used and accepted for obtaining an exemption suggest a high extent of fluidity and brings into question the means and conditions this exemption clause is being implemented within the Judiciary.



Similarly, also those who initially failed to obtain an exemption were asked about their reasons for retroactive legalization of their marriage after having gotten married out-of-court by unregistered marriage official. For around a half (49.6%) protection of the woman's marital rights was the reason, 24.8% reached legal age of marriage so it was a natural progression, pregnancy and newcomer interest was the reason for 12.8%. Husbands' violence (4%) and divorce (1.6%) sequentially followed. Only 7.2% stated that their marriage was not yet registered pending reaching legal age of marriage or pregnancy. This indicates that marriages of the majority were first commonly performed by unregistered marriage officials extrajudicially, as an alternative route to legal marriage that followed after less than one year for 53% and 1-3 years for 22% of the respondents. However, penalties, repeated procrastination, and intentional slow progress in granting an exemption were frequently confronted barriers, the participants confirmed.



Furthermore, one third (33%) reported obtaining legal exemption as being very easy in addition to 23% reporting it as being easy to obtain. These are all indicators on the lack of accountability within the judiciary as to clause 2(2) implementation being completely uncontrolled and unmonitored.



In interviews, several child married participants and key informants alike described the employment of the parents and/or grooms' network in order to obtain conclude extrajudicial marriage contract through unregistered marriage officials. One key informant who works as a judge explained the distinction between registered and unregistered marriage officials well.

“ There are two types of marriage officials; one is appointed by the Chief Justice Court and they are governed by the laws of registered marriage officials and are provided with marriage contract paperwork by their affiliated court, which is appointed by location, so for example a marriage official who is affiliated with a Hebron court is prohibited from marrying people who reside outside it...should he break that law he is penalized within the court by having his license revoked and by paying a fine along with the couple and the witnesses of the illegal marriage. The second type of marriage official are the ones conducting marriage contracts unregistered by the court and who are not affiliated to the Sharia court and without the permission of a judge. They are partially persecuted because they generally don't fall under the purview of the court. It could be a lawyer who makes the contract in exchange for 1000 dinars. He arranges for the couple, the witnesses and the parents to meet and draws up the marriage contract considering it Halal since the basic tenets of Islamic marriage is the offer, acceptance and witnessing, whereas the person drawing up the contract is not a part of the religious requirements for the validity of a marriage.... One of the biggest challenges on this front is people turning to marriage officials who work outside the sovereignty area of the Palestinian authority and can't be persecuted thereof”.

This observation is further corroborated by another key informant working as an unregistered marriage official himself in “H2 area” in Hebron.

“A lot of contracts for girls under the age of 18 are conducted outside the sharia court by unregistered marriage officials who charge costly fees. Even though this method is illegal, by sharia law it is acceptable for individuals to turn to these people since the Sharia requirements for marriage are still met.”

Such legally untethered marriage officials appear to be primary executors of child marriage. For example, Dalal describes the process she and her husband went through to conduct their marriage contract extrajudicially after failing to obtain an exemption.

“We weren't granted an exemption because I was so young, so we resorted to a connection, we knew a marriage official personally and convinced him to conduct the marriage for a big financial reimbursement. At the time, we completed the contract in a hurry and very quickly.”

Dalal here describes the rushed and costly process they went through to obtain the marriage contract, in which the exemption process was completely circumvented. Similarly, Karima describes the combination of sidestepping the law while suffering greatly later for not having grasped the protective role that this law played for her.

“We weren't granted an exemption, we filed for one and waited for two months and then we resorted to illegally conducting the marriage contract through a marriage official that the grooms' family knew personally, he agreed to it and when I got pregnant, we went to get the marriage registered at the court and I discovered that my child wouldn't be recognized since the marriage wasn't registered. I had to suffer a lot during that pregnancy running between the courts and hospitals to ensure that the marriage was registered.”

Laila describes going through a similar experience but without her knowledge, where she was misinformed by the groom about the steps she had taken. In the process, she further demonstrates the naivete that is expected from a child going through a series of contracts and formalities that do not concur with her developmental stage.

“At the beginning, the groom told us he had a connection with the judge and that he had gotten an exemption for us to get married. We went to the court and my family and I signed thinking that it was a marriage contract. We threw an engagement party and conducted ourselves as though we were married. Two days before the wedding, he {the groom} lies to us by telling us that the marriage official wanted to confirm the marriage contract again before the wedding, so we went to his house and my parents and I signed again in the presence of that marriage official. Six months after I had been married, we discover that what we signed in court was the exemption forms and that what we signed at his house was the marriage contract. We didn't know that this contract was illegal before then, we didn't find this out until we were filing the divorce papers and were told the marriage wasn't registered and so we then had to file for the marriage paperwork at the court in order to get the divorce.”

Laila's excerpt highlights the lack of understanding she had as a child around the legal ramifications of her underage marriage. The accessibility of unregistered marriage officials to anyone who wishes to marry underage clearly renders Legislation 21 fairly obsolete. This sentiment is tacitly echoed by one key informant who works as a judge.

“To make early marriage only possible in the rarest of circumstances makes people feel restricted and they turn to the customary contract (orfi) which is illegal, they smash the laws to the wall and challenge them by paying a marriage official for an illegal marriage contract and when the girl turns 18 or when she gets pregnant, they turn to the court to prove the marriage contract and have it registered at court.”

Unregistered marriage officials are emboldened by the internal inconsistencies of the implementation of the Legislation and the exemptions granted. For example, a key informant who works as a marriage official describes the lack of communication of the courts on requests for exemptions which, while not supportive, does not clearly prohibit or draw a definitive line for deterring underage marriage.

“In some cases, exemptions are granted very quickly if the person has a connection among the employees of the court but in most cases, it takes a long time to grant an exemption up to a year or two.... exemptions aren't rejected but rather they're stalled or ignored, especially if the girl is under 17 the case barely gets looked at.”

It subsequently appears that for many families, adherence to the law is superfluous. With the abundant availability of unregistered marriage officials and the lack of communication by the Sharia courts on rejecting exemption requests, families are left to their own misguided devices to resort to other readily available alternatives.

4.2.11 Theme 2.2 Ideological Dogmatism.

Several participants either displayed or observed ideological rigidity around what they consider implementation of Sharia Laws coupled with a disregard for scientific data and evidence of the harms of child marriage. Participants who work within the Sharia court demonstrated a clear lack of buy-in to the logic and evidence informing Legislation, rather they appear to experience this law as an extension of imperialist oppression, thereby eliciting strong defensiveness stemming from a misguided protectiveness of Islam and Palestinian culture. Such defensiveness is clearly exhibited in the following excerpt from an interview with a Sharia court judge.

“We marry the mature adult girl who has reached the age of 16, this for the scholar is the ultimate age of maturity. In this situation the woman is physiologically a fully developed female and is a viable child bearer. She qualifies to make a home maker and a wife for a husband who carries his duties. We don’t marry youngsters, so based on these standards there is no such thing as early marriages.... All the judges are against raising the age of marriage because it is incongruent with sharia law. This is a product of the CEDAW convention, but they have to implement the law that is set by the government.”

Here we see the judge speaking from a place of complete ignorance of the biological, psychological, and emotional developmental readiness of girls for child bearing, as scientific evidence consistently demonstrates the high risks involved in teenage pregnancies and childbirth. The judge later demonstrates further defensiveness stemming from the misunderstood motivations for Legislation 21, which he appears to be experiencing as an assault on Islam as opposed to being aimed at the protection of children and families.

“There is now a campaign against the family and a demand to raise the age of marriage above 18, this is meant as an attack on the Islamic nation and is not aimed at women’s’ rights or women’s’ dignity. This campaign is meant to raise the age of marriage to the point where women’s’ fertility is reduced.... There are no health risks to the girls who marry young, whether in pregnancy or childbirth.”

The participant voices discontent with the Legislation and his use of the word “campaign” indicates the extent to which he’s experiencing this law as an attack on an ideological system he feels highly protective of. Thus, it is evident that while this judge works within a system that obligates him to implement the Legislation there is absolutely no buy-in on his end to support the adoption of this law. Along the same lines, another key informant affiliated with the Sharia court and working as a marriage official describes the overall perception of the Legislation.

“Most of society strongly rejects this law because it is coming from international establishments like the CEDAW convention. It goes against sharia law where in Islam once a woman gets her period, she is a viable candidate for marriage.”

One key informant very clearly highlights the deficits in the implementation of Legislation 21 as it pertains to Sharia court personnel buy-in.

“A reoccurring problem with the judges at court, although it may vary in intensity, is that they remain in support of early marriage and consider it a right. They see Legislation 21 as opposing Islamic law. At the heart of their opposition is seeing these laws as undermining the authority, legacy and power of sharia law as an institution. This culture and these views naturally impact the discretionary authority they get in granting permissions. This authority and subsequent decisions are informed by the judges lived experiences, their environment, their educational levels, their convictions and the trainings they’ve received in addition to the pressure they may be subject to in granting exemptions or not. Thus, granting discretionary power to judges that likely hold opposing views to the Legislation they’re required

to abide by is in and of itself a problem. First there is a need to work on changing the internal culture of the courts and then granting the judges discretionary power in granting exemptions.”

This participant, a lawyer who is frequently interacting with the court, is clearly identifying a major cultural gatekeeper who is stalling, if not facilitating, the continuation of the practice of child marriage. Her suggestions here identify the significance of engaging the gatekeepers in none-defensive perspective-shifting dialogue in order to give Legislation 21 solid grounds for implementation.

4.2.12 Theme 2.3 Exploitation of Honor Norms.

This theme arose from both quantitative and qualitative data, where exploitation of honor norms is evident. Love affairs between the engaged couple was identified by one third of the surveyed child-married women as a key driver and motivator for exemption requests for child marriage. In interviews many participants described the ways in which claims of sexual misconduct or the threat of it are enlisted by parents and families to pressure the courts into granting exemptions for child marriage. In this way, social norms that antiquatedly tie family honor with female virginity are weaponized to further objectify girls as a threat to be neutralized by child marriage. One participant who works as a judge describes the way in which these norms are enlisted.

“The exemptions have led people to undermine their daughters’ honor in order to obtain them. A lot of times the girl or guy haven’t engaged in sexual misconduct but in order to obtain an exemption the parents will claim that their children have had relations. The judge makes note of these claims, signs the record, and files it to the chief justice in order to have the couple marry early based on these claims which are considered a cause to grant the exemption.”

The weaponization of this highly troubling norm was repeatedly noted by several participants. For example, a participant in a focus group noted the same progression.

“There’s some families that claim that the young couple had made a mistake of a sexual nature in order to pressure the judge into granting them the exemption under the guise of protecting the family honor and the girls’ reputation.”

The same observation was made frequently by many participants. Here, a clinical psychologist describes the ways in which using these social norms flips the victims of child marriage into perpetrators that the family needs to be protected from by unburdening unto another.

“They’ll often claim that the couple have had sexual relations and that the parents are fearful of a scandal and so they plea for the court to help cover up.”

A registered marriage official makes a similar observation and describes that reversal of dynamics used to facilitate the obtainment of exemptions from the court.

“The dominant culture is that once competent candidate proposes to a girl, regardless of her age, she must be married so that she is not a burden or a disgrace to the family where she may make a sinful mistake, especially with the prevalence of social media and the over-connectedness of people now.”

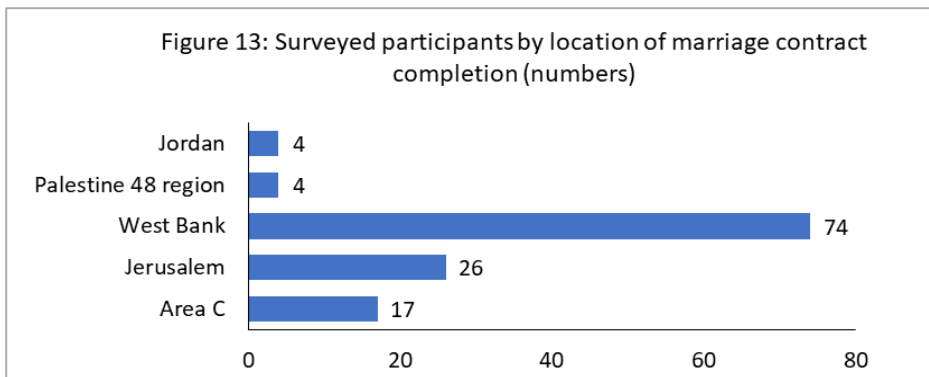
In fact, this view that upon reaching the age of puberty young girls seem to have this uncontrollable and destructive sexual urge that leads them straight into sexual misconduct appears to be strongly held by personnel working in the court, as one Sharia court judge notes here.

“Once the girl reaches the age of marriage which is that of puberty it becomes her instinct to marry. When there is a delay in the age of marriage, she becomes susceptible to sin and deviancy. One of the paths for misconduct is to delay the marriage age for both males and females.”

Thus, while the legal age for marriage of 18 still falls within the range of developmental adolescence, the dominant belief appears to be that immediately upon reaching puberty girls abruptly transition from a place of play to a place of insatiable sexual misconduct. As a result, these girls are perceived as a burden and a threat to their family’s honor and reputation which moralizes the family’s decision to marry their young daughters prematurely.

4.2.13 Theme 2.4 Outsourcing Local Barriers

Although all participants surveyed are West Bankers, Figure 13 below shows that more than a third (40.8%) have entered into marriage contracts in Jerusalem, Area C, Palestine-48 region or Jordan, where the Palestinian Authority has no jurisdiction. This was further confirmed in individual and group interviews. Given the relative accessibility, Jerusalem seems to be the preferred option, followed by Area C and then, with a large frequency difference, Jordan and the Palestine 48 region. Several interviewed participants described the way in which Legislation 21 is circumvented by conducting marriage contracts in these locations.



For instance, one key informant in a focus group describes the way in which illegal marriages are conducted in area C and are then retroactively legalized.

“One of the most frequently used alternative routes to child marriage is to conduct the marriage contract outside the courts through a marriage official who works in area C, that falls politically under the jurisdiction of the colonial forces where the Palestinian authority can’t implement any of its’ laws and regulation and subsequent punishments for violations. Until the girl reaches the legal age of marriage or she’s pregnant and there becomes an urgency in getting the marriage retroactively registered in the courts.”

A registered marriage official from Hebron notes the frequency with which he is asked to carry out illegal child marriage contracts and how undeterred people seem to be by the Legislation.

“No one waits, everyone just resorts to conducting the marriage outside the courts, illegally.... Some people will resort to travelling to certain villages in the south of Hebron or to Jerusalem, and some even go as far as Jordan, in order to obtain early marriage contracts...based on the region I work I would say more than 40% of marriage contracts are conducted outside the court illegally...I get daily calls from people, no less than 30 a day, asking me to conduct marriages outside the court, many offering me large amounts reaching 2000 NIS just to conduct the marriage illegally.”

This expert indicates the degree of resourcefulness and commitment people are employing in order to conduct child marriages, which is indicative of the lack of consent and adherence to the law. Another evidence that demonstrates this commitment to the prevalent social norms and indifference to the Legislation is noted in the following expert from a key informant in a focus group.

“One of the ways marriage contracts are made for underage persons is by changing the place of residence for one of them to an area that falls outside the Palestinian jurisdiction so they're married off in Jerusalem based on Jordanian law using bribery and connections.”

A Key informant in a focus group further corroborates the alternative of traveling to Jordan to finalize underage marriage contracts.

“The easiest way I've heard people in the village use to circumvent the law is by going to Jordan and finalizing the marriage contracts there, the marriage age there is 15 or 16 so they go do it.”

It is clear that while Legislation 21 is in place individuals who are seeking to conduct child marriage have many paths to bypass the law, including but not limited to literally sidestepping the land unto which Legislation 21 is being implemented. This feat is made easy and accessible to people given the presence of the settler colonizing power that has cut up Palestinian lands into fragmented and disconnected pieces, rendering many areas without any true rule of law. These areas are thus serving as prime locations for conducting illegal child marriages. This is compounded by the fragmented identities imposed onto Palestinians wherein many fall under the Jordanian jurisdiction which makes Jordan, with its different laws and regulations, another viable alternative. As a result, Palestinian Legislations becomes arbitrary and feeble without the willingness of the people to adhere to them, law consequently becomes a mere suggestion.

4.2.14 Theme 2.5 Illness & Imminent Family Death.

A less frequently cited yet noteworthy pathway to obtaining exemptions noted by participants was the imminent death of a parent as a facilitator for hastening the marriage process. Among the judges interviewed, this one describes the significance of this exemption and includes a case she witnessed.

“One of the most significant exemptions granted for early marriage is in cases of severe illness. For example, I saw one case where a man with serious heart illness had an only child who was 17 years old. He had gotten him engaged and invited people to his sons' wedding and said he wanted to celebrate his son before he passed away. He brought us the medical reports that proved the severity of his illness and appealed to the court for an exemption which he got and so we married them.”

Another informant, a clinical psychologist working with survivors of GBV including child brides, notes the same thing.

“One of the reasons for getting an exemption is the illness of a parents where it’s made into an urgent matter”

The same process is echoed by a lawyer working in the Sharia courts.

“Among the reasons for exemptions granted to cases of underage marriage that we see in the courts is when a first-tier relative such as the mother or father is suffering from a lethal illness that is expected to bring about their passing within the coming month or so.”

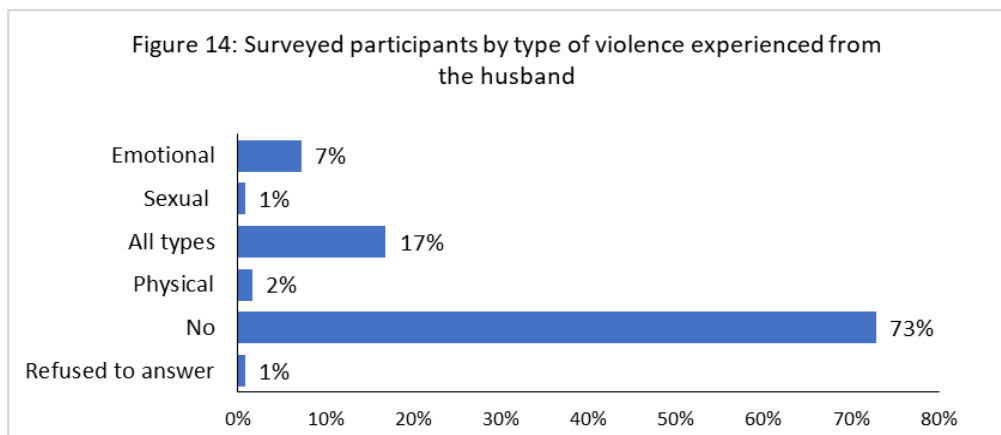
It appears that in the case of imminent death of a parent exemption are hastily granted to speed up the process and allow the parents to witness the marriage of their child. However, while the sentiment driving this exemption is one of empathy and compassion to the parents the question remains whether the child married stands to benefit from a tumultuous and challenging major life transition that is shortly followed by the loss of a parent. One wonders if by doing so there is a compounding of traumas for the child as opposed to safety and substitution of care.

4.2.15 Domain 3: Impacts of Child Marriage

Participants described various significant consequences experienced and observed as a result of being married at a young age, chief of which was exposure to outright physical violence. Furthermore, several participants described the pain and suffering they experienced with having sexual intercourse prematurely, the trap of financial dependency they found themselves in, emotional confusion, and the loss of their basic rights as a result of having been child-married.

4.2.16 Theme 3.1 Violence.

Figure 14 below shows that more than a quarter (27%) of the child-married survey participants reported having experienced at least one form of spouse violence; a majority (17%) experienced all types of violence, including; physical, sexual, and emotional. In these cases, a female child endures the violence inflicted on her by a grown man, who is seen as her protector and imaginary lover, as a measure of domination and control, making these marriages places of humiliation, confusion, and absolute vulnerability for those children who got married early in their lives.



Furthermore, a disturbing number of interviewed participants, especially those who had entered into child marriage themselves, shared their experiences of being subjected to severe physical violence at the hands of their husbands, many of whom were significantly older than their child brides. For instance, Dalal describes being continuously subject to physical, verbal, and psychological violence wherein she frequently finds herself the target of her husband's rage fits and is deprived of her freedom to move as she is required to have a chaperone whenever she leaves the house.

“I get subjected to violence and cruelty regularly. He yells and breaks things in the house all the time. Half the China in our house is in pieces because of his rage fits against me. He'll be stressed about something in life and will come and direct all his frustration and blame at me, deprives me of the simplest things. He's deprived me of finishing my education or working, even from home. He demands that I serve him and his family and beats me if I refuse...I cannot even leave the house without him or without a chaperone from his family members. Even my visits to my family are conditional and time limited. My entire life is about serving him and his family. He swears at me and speaks cruelly to me all the time and constantly tells me he doesn't want me....I don't know how to confront or respond to him.”

Dalal here paints a painful picture of a highly restricted life, laced with frequent physical violence and domination by a husband she is made to serve as her sole life's purpose. Laila describes an equally painful domestic life.

“I was always subject to violence. He hit me on our first day being married. He used to beat me for the silliest reasons and kept hitting me a lot. I discovered after marrying him that he was a substance user. I used to hide all of this from my parents because he used to threaten that he would kill me. The day he divorced me he beat me very violently; I had blue bruises all over my body and a broken nose. I was pregnant at the time and was due to deliver soon.”

Laila's excerpt demonstrates the degree of cruelty and violence she was experiencing at the hands of her husband, even during her most vulnerable state; as a pregnant woman. Another participant, from the suburbs of Jerusalem, who was married as a child describes being subjected to beatings whenever her husband learned she wasn't pregnant, further underscoring the exploitative and objectifying way in which many child brides are perceived and subsequently treated by their husbands.

“I got married at 17 and my husband used to beat me every time I got my period because it meant that I wasn't pregnant. I ran to my family's' home for a month and when I returned, I got pregnant. He was very unstable, sometimes he would be gentle with me and other times he would get very violent. He left me alone in the hospital in Bethlehem while I was giving birth for hours.”

Another participant from Jerusalem, who was married as a child, described her continuous punishment for behaving in age-appropriate ways by watching cartoons. Here, it becomes apparent that her childhood is not only truncated by child marriage but in fact prohibited and punishable by physical violence whenever exhibited.

“My husband and I had a lot of problems. I used to watch cartoons and he wanted a big girl and a marital life; he didn't understand what I was going through. Every time he caught me watching cartoons, he would hit me and tell me he wanted a wife and not a child.”

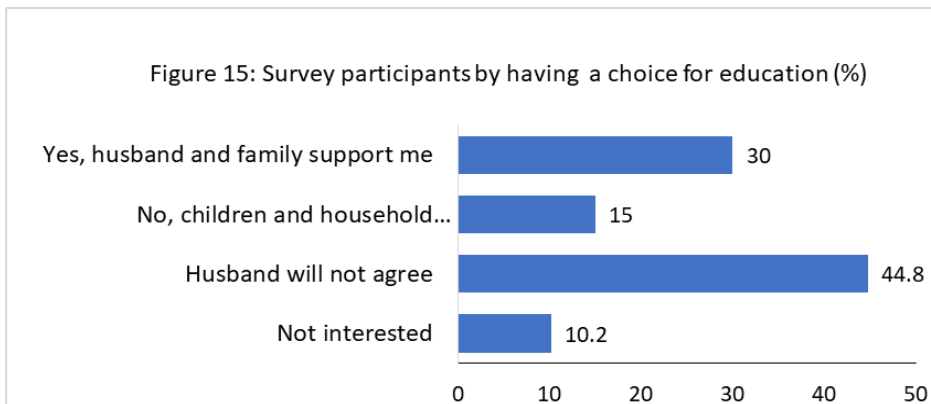
Although the participant's husband had elected to marry a child, he violently punishes her whenever she displays behaviours that remind him of his choice. Another participant describes her struggle with a husband abusing substances and exacting his anger on her, in the process she describes her parents' collusion in the violence committed against her.

"I got married in 11th grade and dropped out of school I later discovered that he regularly did drugs and when he did, he would break things in the house and would beat me. My parents knew he was hitting me but they stayed quite."

Sadly, these excerpts constitute only a portion of the experiences of physical and psychological violence many participants described surviving and witnessing. It thus appears that child marriage comes laced with violence for many of the child brides who are made to enter into this cruel and highly age-incongruent experience. It appears that many of the men who elect to marry children have an inclination towards violence as well, which again begets the question of what drives these men to child brides? Indeed, it seems that the subject most in need of further examination and intervention is the adult male who gravitates towards children as sexual partners and not the helpless victims who have little to no say in these marriages.

4.2.17 Theme 3.2 Financial Dependency

Figure 15 below shows that around 60% of survey respondents believe they have no choice in continuing their education. This is mainly due to the husband's disagreement in about 45%, or because of child and household responsibilities (15%). Conversely, about a third (30%) indicated that they have the support of the husband and own family to continue education. When asked about their willingness to work, 44% said they wanted to work, including from home for some, but were not allowed to do so. Agreeably, education and work imply choice, freedom, independence, and economic empowerment for women. All of this would endanger man's domination and control, disrupt the balance of power within these marriages, and undermine the very tenets of child marriage.



Along the same lines, in interviews, participants described the enforced restrictions on their educational and professional advancement as a result of their child marriages by their husbands. The desire for continued education and work often were expressed in reference to increased freedom, a right they frequently lamented unknowingly forfeiting by the presumed choice of getting married young. For example, Dalal expresses the desire for increased power and agency that would come through work, which would automatically reduce the control her husband has over her.

“If I were older and had a degree and a job, I would’ve been able to fight back when my husband threatens to marry another woman. He wouldn’t have so much power over me and wouldn’t be able to control me so much if I could support myself. I would at least have had a life and respite. I would’ve been able to breathe, I’m so tired.”

Similarly, Laila describes the control and dominance that is exerted upon her by her husband through money. Even when she resorted to her family for financial support, it appears her husband was able to rob her of that transient freedom coercively.

“He had money but refused to give me any or spend any on me. I had to ask my family for support and he would frequently find out and take that money from me and spend it on himself. He was adamant on not giving me any money.”

Indeed, financial dependency frequently surfaced as a weapon of continued domination, wherein both husbands and family prohibit the pursuit of education and employment precisely as a means of restricting the child-married women. For example, one participant from the suburbs of Jerusalem describes the way in which she has been cornered by both her husband and her family into a state of obedience by being made to choose between freedom and her own children. She chose her children.

“I really want to have a job but my husband refuses to let me. I so wish I could separate but my parents won’t let me; they tell me I can either stay with my children by staying with him or divorce him and come back to their {family} house without my children. I choose my children, I have five.”

In the same vein, another participant from Jerusalem notes the regret she feels for not completing her education which is now a choice she is prohibited from making by her husband.

“I feel a lot of regret for not completing my education. My husband refuses to let me finish my education while being married to him and he will not let me work outside the house, even though I have expressed that desire so many times.”

The result of this enforced financial dependency is best captured by an excerpt from another participant from Jerusalem who conveys the lack of options she has in moving forward without remaining with her abusive husband since she doesn’t have the educational and professional skills needed to support herself and her children.

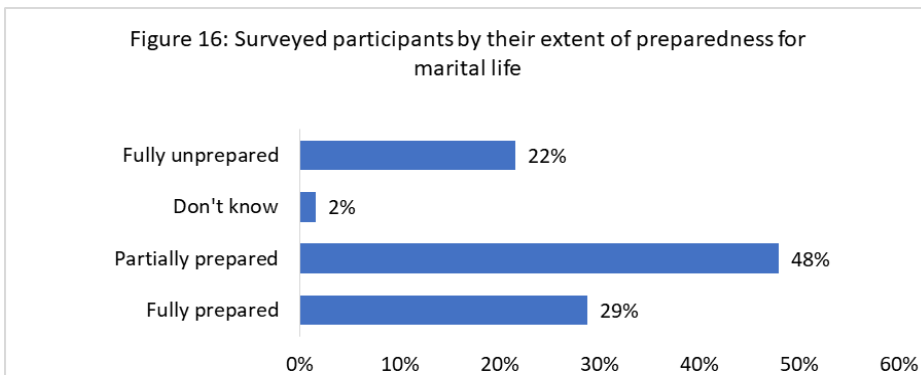
“After I left my husband my family sent me back to him because they’re afraid of what people will say and I’m worried about where I’ll go with my children if I divorce him. Who will support them? My family has the means to support us but they shouldn’t have to.”

This is what depriving child-married women of education and professional opportunities is aimed to do; keep them within the confines of abusive marriages for fear of destitution and poverty for themselves and their children. Forced financial dependency is thus clearly a weapon for maintaining the imbalanced state of dominance and oppression young girls are unknowingly entering into at a young age. Many of these women, who have the potential to participate across various professional and educational spheres are denied the right to education and the right to movement, implicitly granted with one having a professional path, and are instead kept hostages in their own homes by domineering husbands and colluding families.

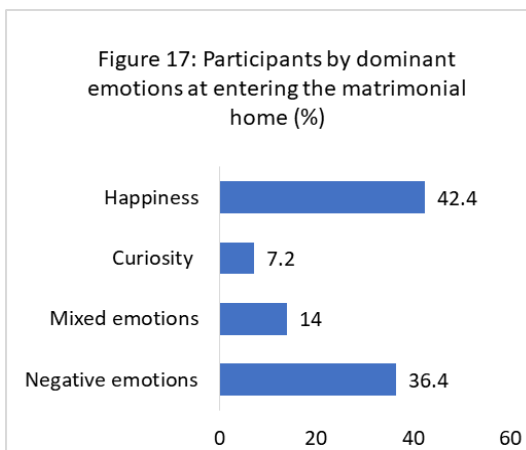
This represents one of the cruelest manifestations of structural violence against women, in which different social groups, namely the husband and the victim’s own family - that is, her loved ones - conspire to prevent these girls from achieving their most basic human rights and forcibly keep them within cycles of marital violence and social exclusion, often for the rest of their lives.

4.2.18 Theme 3.3 Sexual and Reproductive Suffering

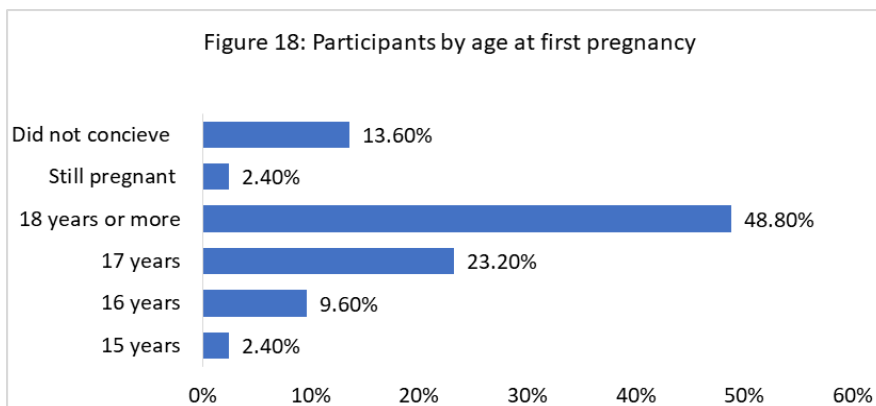
Only less than a third (29%) of the surveyed child-married women testified that they were fully prepared for marital life, while 70% were only partially prepared (48%) or completely unprepared (22%). More specifically about sexual and reproductive health, around 70% said they knew nothing or knew only very little about it when they got married.



This obvious lack of crucial information in such a critical time of a child married life contributed to the result where a third experienced disturbed sexual relationships with the husband, and just over half (50.4%) experienced either only negative emotions (36.4%) or a combination of negative and positive emotions (14%), as shown in Figure 17 below. Among the most commonly expressed negative emotions were; Fear, Regret, Sadness, Anger, and Confusion whereas the combination was, for example, Fear and Happiness or Confusion and Happiness together. While 7% were just curious about the whole marriage affair, 42% said happiness was the overriding emotion. Unfortunately, negative emotions did not diminish over time, but 46.4% of participants confirmed that negative emotions stayed with them and became more entrenched in their marital relationship over time.



Then we asked the surveyed child-married participants about their age at first pregnancy. For more than a third (35.2%) it was 17 years and less and for 13.6% conception didn't befall.



In addition, 66% of respondents had their first pregnancy less than six months after marriage. This, and a quarter of respondents who reported being victims of spousal violence, had serious health consequences for the pregnant woman and her child, as shown in Table 9 below. Aside from 56 participants who reported not having experienced any such outcomes and 18 participants who did not become pregnant at all, the remaining 52 participants reported having experienced 67 adverse health outcomes, some of them multiple at once. The most common was abortion having occurred among 19 participants, most of whom have had two to four abortions, a high-risk pregnancy (10), and premature labour or birth (9).

Table 9: Surveyed participants by experienced early pregnancy consequences

Experienced early pregnancy consequences	Frequency
Abortion/s	19
High-risk pregnancy	10
Pre-eclampsia	4
Hemorrhage (repeated)	5
Threatened abortion	7
Anemia	3
Prolonged labour (dystocia)	3
Cesarean section	4
Postpartum depression	1
Premature labour or birth	9
Low birth weight	2

Interviewed participants, victims of child marriage, described the physical and psychological suffering that accompanied their premature sexual experiences with their husbands. Several of them also described the subsequent pain that resulted from their early pregnancies, many of them noting how young and fragile their underdeveloped teenage bodies were for the highly demanding feat of child bearing and rearing. Dalal articulately describes the clear disadvantage she was placed in having gotten married so young.

“We cannot possibly understand marital life for what it is when we’re so young until reality forces us to. We leave school so young, and in the process, we lose so many of our rights. Even on the level of sex life, when I was younger it used to be awful, painful, loathed. I had no idea how to take care of myself.”

Here Dalal is pointing to some profound and heartbreaking silenced experiences child-married women are put through when they're made to have sexual intercourse prematurely, and with little preparedness for its intricacies. Dalal is describing the psychological and physical pain she experienced having a sex life she did not understand or want to participate in. She further describes the consequences of the health complications she experienced as a result of giving birth very young.

“My husband blames me for my health problems. I have health problems in my uterus and need to have surgery. He tells me that my family needs to take care of this since they agreed to marry me early then it's them who need to pay for the surgery. I will have to sell my jewelry in order to pay for the surgery.”

Dalal describes the lack of accountability and irresponsibility demonstrated by her husband in response to the illnesses she developed as a result of birthing his child and notes that she was once again left to fend for herself. This same sentiment is echoed in another participants' experience in early childbirth.

“I feel a lot of regret for marrying young and taking on the responsibility which came with my children's illnesses and my own health issues that developed as a result of pregnancies and childbirth. My body refused contraceptives and I was so young and weak; I miscarried the first pregnancy and then miscarried 3 more times...during one pregnancy I got poisoning and allergies and developed high blood pressure that has now become chronic.”

Both participants were left with chronic diseases following their early pregnancies and childbirth and both express regret and pain for having been put through these experiences. Karima conveys the same regret, in tacit ways, as she reflects on the changes her body has gone through as time went by.

“As a woman of 20 years now I can tell the difference in how my body has grown since I was 16 years old. I can see that my body is better developed now, even sexually, back then it was so difficult and painful at the time. I couldn't bear it. Since I got pregnant so young, I feel like my body is now weak and tired because it wasn't ready for the hardship of pregnancy and childbirth and so now my body feels broken.”

Karima notes the alterations that came with her experience of sexual intercourse as her body matured and developed, noting that at the age of 16, unlike what many male advocates of child marriage claim, her body was not ready for intercourse or pregnancy. These painful excerpts center the cruelty and undeniable self-serving patriarchal principles of child marriage where these young women were made to suffer painful sexual experiences, followed by difficult and repeated pregnancies that left them with lifelong chronic illnesses and warped self-images.

4.2.19 Theme 3.4 Relinquishment of Rights

Many participants described the grave injustice committed against the girls who are married early, wherein their legal marriage rights are lost in the case of child marriage. This loss of rights is inherent to any marriage conducted outside the courts, which is evidently how most child marriages are carried out. One key informant notes how unjust it is to commit young girls to a binding contract that strips them of so many necessary protections.

“Parents commit such an injustice to their daughters when they marry them outside the courts, they strip them of so many of their basic rights in doing especially in the cases where they need to divorce, this is frequently the case.”

Another key informant working as a judge in the Sharia courts notes how chaotic and unmanageable cases become when a woman is married outside the courts, where both her rights and the rights of her children are compromised.

“If the marriage isn’t registered at court and in the case of the death of the husband or divorce, the court doesn’t give the girl any rights and in the case of pregnancy who are we supposed to register the child under?”

This same warning is issued by a registered marriage official who shares an experience he witnessed as the exploitation and abuse of young women becomes highly accessible in child marriages conducted outside the court.

“There are huge risks for the wife where she could lose all her rights if the marriage contract is conducted outside the court. These risks are material and otherwise; she could lose her dowry and many other rights.... there was a case with a girl whose husband refused to divorce her and the contract wasn’t legally registered and at the same time he wouldn’t admit to her being his wife and so the girl had to stay with her family until she later discovered that he had remarried but legally this time and he had registered that marriage as his first legal marriage so the girls’ rights were completely lost.”

It is clear that child marriage is closely tied to unregistered legally corrupt marriage contracts which leave women at the mercy of their husbands. These child marriages stand to harm women in many ways, a sentiment which is clearly voiced in Karima’s excerpt where she warns against child marriage.

“From my experience, as long as a girl gets married outside the court then she has absolutely no rights. The older she is when she gets married the better it will be for her, at least she will have her rights and will be able to get the marriage registered at the court from the outset.”

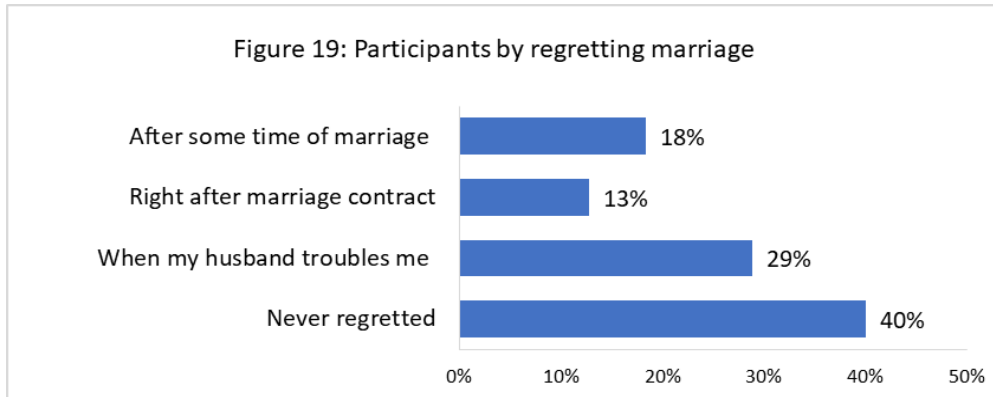
The link between child marriage and unregistered contracts appears to be very strong and ongoing. The continued practice of child marriage thus not only robs girls of so many important developmental milestones and experiences, it holds serious ramifications on their ability to protect themselves legally when the time comes for it.

4.2.20 Domain 4: Reflections and Recommendations

Participants shared their insights into both the experience of being child-married and their recommendations on the preventative measures that need to be taken to deter the practice of child marriage. In the process, many shed light on the importance of centering the education of parents and young women in important albeit different ways, while others focused on the importance on shifting the cultural norms that inform the continuation of this practice among powerful decision makers such as judges and lawyers. Importantly, participants noted the inefficacy of the existing financial penalty as it is clearly not powerful enough to deter the continuation of this practice.

4.2.21 Theme 4.1 Survivors’ Reflections

Reflecting on their marriage experiences, Figure 19 below shows that 31% of the survey participants regretted their marriage, either immediately after the marriage contract (13%) or sometime after marriage (18%). In addition, 29% do so when they have problems with their husband. Only 40% have no regrets in mind.



About having ever filed for divorce, 25% stated that they actually done so but their families or the husbands refused it. The most common reasons were; spousal violence, in-laws interference in the couple's life, constant arguments in all matters, large difference in maturity and, as a result, differences in interests, views on life and priorities. Suhad, for example, confirms that their entire marriage was a disappointment that she expected but had no say in.

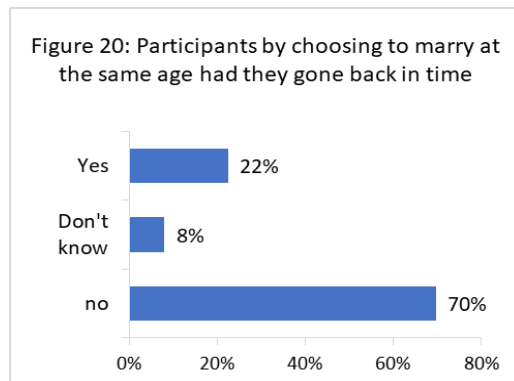
“After less than a year of my marriage, I tried to get a divorce twice due to my husband’s repeated infidelity, neglect, continued quarrel and emotional violence”.

Along the same lines, Lamia shared her suffering in marriage like this.

“After more than a year of my marriage, being repeatedly subjected to all type of violence, repentance never leaves me. Divorce is not an option for me because my family made it very clear to me that my return to them as a divorced woman is not acceptable. I wish I had never married”.

More than two-thirds (70%) of respondents said they would not marry at the same age if they had gone back in time, while only 22% said they would choose to, as shown in Figure 20, right. This means that this majority was likely forced into marriage, misled, or deceived.

Around a third (31.6%) of the participants said they “wish to be free like their unmarried peers when they see them”, while 9.4% said they feel jealous from them for pursuing their education.



Likewise, interviewed child-married participants collectively shared a heartbreaking sense of regret and remorse for being child married. Without fail, participants here too repeatedly noted a desire to go back in time and alter their fate of child marriage, frequently wishing they had completed their schooling. Dalal, for instance, summarizes her experiences in a lamenting tone.

“I would describe my experience with marriage as a miserable one. Whether psychologically, emotionally, and even physically, it was awful. I feel like my whole life’s been lost after getting married. I frequently go to my parents wanting to separate.”

Karima shares her reflections on this experience by advising young girls to mature and learn more about life before stepping into a contract that has the potential to rob them of their rights. In the process, Karima notes the importance of educating parents about the risks they are putting their girls under in marrying them early.

“I wish I could tell all girls below 18 to not get married because they still haven’t seen much in life. I wish that I could tell these girls to wait until they’ve grown so that they can see more of life and be better able to make their decisions and handle responsibility better.... I wish both the girls and their families would have the awareness that marriage outside the courts doesn’t give her any rights...that is something I learned too late.”

In this excerpt Karima, like Dalal, voices her regret for not having understood the risks she was taking in marrying early. Indeed, regret was sadly a frequently expressed sentiment among early married participants, as one participant from Jerusalem notes.

“I feel so much fear, regret, and oppression it makes me wish for the relief of death.”

This alarmingly hopeless expression of suffocation is telling of the degree of injustice and frustration experienced by this early married participant, one that is echoed by yet another participant.

“I feel so much regret for marrying early.”

The same regret is voiced by another participant who describes her desire to leave her current marriage but is unable to given her concern for her children.

“I tried to get a divorce less than a year after getting married because he’s so aggressive and frequently beat me over silly things but I went back to him and now I’m stuck because I have 4 children...if I could go back in time, I would never have gotten married.”

These lamentations are clear and inarguable statements about the aftermath of child marriage on the women who were made to enter these contracts. It is clear that many of them wish they had been given the option to complete their education, to come to maturity, and to learn more about their options in life before they were made to step into such binding and life altering agreements.

4.2.22 Theme 4.2 The Power of Education

In the same vein as theme 4.1 above, many participants, both those who were child-married and key informants, noted the importance of allowing girls to finish their schooling before they are made to marry. In doing so, participants noted, these young women have the time to learn more about themselves, mature into their adult identities, and better understand their choices in life. For example, Laila advises young girls to wait until they are older and have completed their education before selecting a life-long partner.

“Don’t think about marriage before 20. Not before finishing your studies and knowing what choices are and what path you want to take. Know what you want and set your own goals. Make sure you have the awareness and power to differentiate between who is good for you and who isn’t and be ready for the responsibility.”

Laila ends her comment by noting the immense responsibility that comes with marriage and in doing so alludes to the unpreparedness of young girls to bear these responsibilities. Dalal stresses the same importance on the completion of education, albeit in a remorseful tone, one that is laden with grief and sorrow for having been deprived of the joys of education and personal achievements.

“I wish I had at least finished my schooling, to have lived the joy of completing Altaw-jehi and to have a school diploma.... I wish I had an escape or a safe space, I wish I had a better life and I feel like I don't deserve the life I've had... don't get married before 19 or 20. Because you will mature more and you will understand more of life and understand your options much better.”

The significance of maturity and completion of education come hand in hand for these participants, as they collectively note the importance of knowing ones' choices in life, something which they themselves were denied. For instance, Karima notes the same thing, stressing the significance of understanding ones' options, an understanding that is only cultivated through the passage of time and development of maturity.

“I wish I could tell all girls under 18 to not get married because those poor things haven't seen much of life yet. I wish girls could be more mature and aware before getting married and that only comes with age...age and maturity will help her understand her options much better.”

This same recommendation was made by a registered marriage official who emphasizes the power of knowledge for women as a protective long-term tool.

“Wait until the girl is 18 and even after she's finished school and university because knowledge in the hands of a woman is a weapon. She will be more aware and will be better able to handle the stresses of marriage life.”

These participants concurred about the significance of adhering to a basic human right, the right to education. This right is inherently denied by the practice of child marriage, as many of these young women are made to leave school or have their educational struggles used against them as a reason to drop out and marry early, as evidenced in the theme of educational alienation.

4.2.23 Theme 4.3 Deterring Penalty

Participants noted that the financial penalty set for breaking Legislation 21 is often too loosely applied and is in and of itself insufficient to deter people from violating this law. Some pointed to the fact that the amount set is not large enough to intimidate violators while others noted that the follow up from the courts varies by case, which further undermines the prohibitory nature of the law. For example, a key informant in a focus group pointed to the inefficacy of this punishment, specifically given the variability in its' application.

“To have the punishment for illegal child marriages be set simply at financial penalty is not enough to deter people from breaking this law. It is not enough reason for them to abide by it. In fact, its' just another way for the courts to make more money off of people, the financial penalty tends to even vary across individuals from one case to the next, it seems to vary by case.”

Another key informant pointed to the same thing, noting that the scarcity of the amount itself serves as a tacit encouragement for people to break that law. It is simply not alarming enough for people.

“The financial penalty is not enough to deter people from this. In fact, it encourages people to break the law.”

The same observation was made by a registered marriage official who describes firsthand how the current penalty is simply not sufficient to prevent people from pursuing child marriage. He specifies that the amounts fined are too small and that the individuals fined can vary from either just the husband to the wife and witnesses.

“At first the fines were very steep, reaching up to 1500 NIS but now it is up to the discretion of the judge in every region. It is primarily the husband who is fined for not abiding by the law and in some cases, it can be between 500 NIS to 2000 NIS. The witnesses and the wife are also fined somewhere between 600 to 700 NIS.... But these fines do not pose real obstacles for people who want to draw a marriage contract. They don't mind paying whatever fines they have to so long as they get their goals met and do what they want.”

The fact that the penalty varies case by case appears to further undermine the prohibitory nature of the Legislation. Therefore, it seems that even though the set fines are not deterrent enough, the law is further weakened by the variability of applying penalty on case-by-case basis. Thus, Legislation 21 is rendered obsolete not only by allowing the use of unregistered marriage officials, to whom the officiant turns a blind eye by failing to hold them accountable, but also by the loosely applied lenient fines imposed by the courts on the weds and/or their families.

4.2.24 Theme 4.4 Parental Awareness

Participants noted, to a lesser extent, the importance of increasing the awareness of parents around the risks they place their daughters under when they marry them early and via unregistered marriage contracts. For instance, one key informant from a focus group pointed to the important power imbalance inherent to the parent-daughter relationship thereby centering the significance of focusing on the parents as the decision-makers in cases of child marriage.

“I feel like parents need to be informed and taught about the dangers of this decision because many young girls don't have the heart to rebel against the decisions of their parents, and at that age the people who are making the decision to marry her this early are her parents, not her.”

Another key informant pointed to the importance of examining the motives of parents for marrying their children early, along with the focus on raising their awareness on the risks of child marriage.

” We need to focus on raising awareness among parents and we need to learn what drives them to marry their daughters so early and find the corresponding solutions.”

While the driver of child marriage is relatively well understood on a large scope, a demonstrated curiosity and engagement with the parents' reasons is suggested by this participant as a pathway for intervention and awareness raising among this demographic. Similarly, a key informant noted the significance of informing parents of the risks of child marriage while coupling it with the focus on addressing school drop outs, which seems to serve as an incentive for many to marry their daughters early.

“We need to conduct more awareness raising campaigns with parents and focus on school dropout rates and learn their causes.”

It is thus clear that while the victims of child marriage are the young girls who are married early, the primary decision-makers are understood to be the parents. Participants subsequently note the importance of targeting this demographic for any real change to occur on this issue.

4.2.25 Theme 4.5 Outgrowing Destructive Norms.

A couple of participants pointed to the pervasiveness of child marriage as a norm on the cultural level, where it is understood as an extension of a larger patriarchal practice exercised by individuals in power. Thus, the decisive task at hand is to shift the cultural norms adopted around the practice of child marriage, this shift is needed on the organizational and institutional levels, as one key informant who works as a lawyer notes.

“Early marriage is a social norm that society refuses to change and is stubbornly defensive of because any shift in its’ practice means that the existing power relations are at stake. Any work to be done for addressing child marriage needs to be on influencing the people’s mentality, otherwise they will turn to trickery and alternative courses.... There needs to be a conversation on the institutional level with all ministries and courts involved to change the beliefs and convictions on this topic. This includes judges and lawyers.”

This astute observation further corroborates what was evidenced in an earlier theme demonstrating the lack of buy-in by key decision-makers within the judicial system and marriage officials. Indeed, there would be no child marriage, legal or illegal, if these key actors and decision-makers did not participate in facilitating it. This observation is further supported by another key informant who notes the importance of raising awareness among men, i.e., the perpetrators of child marriage.

“We are facing a big challenge in not having men participate in these awareness raising programs.”

These excerpts point to important decisive junctures in the practice of child marriage; one is pointing to the targeting of judicial personnel who ultimately facilitate child marriage, and the other to the men who seek female children as their brides, both address the need to engage those in power.

5. DISCUSSION, CONCLUSIONS & RECOMMENDATIONS

5.1 Discussion

Our study yielded detailed data across many aspects of the phenomenon of child marriage in Palestine, including identification and delineation of key drivers of child marriage, legal and illegal mechanisms of conducting child marriage in Palestine, the impact of child marriage on the married child, and some significant reflections and recommendation made by survivors and key stakeholders. While our results chapter closely explores these rich facets, the following section aims to study these findings from the lens of patriarchal violence and within the context of the ecological systems theory with the aim of situating these findings within a theoretical framework to better facilitate points of entry for intervention.

Patriarchal violence upholds, reproduces, and enacts patriarchy and other systems of oppression. It is commonly internalized by everyone; consciously or unconsciously supported by everyone and; can be enacted by anyone who has power over another. Our findings indicate the phenomenon of child marriage is indeed deeply imbedded within the practice of patriarchal violence as evidenced by the structural normalization of this devastating practice on the individual, interpersonal, institutional and societal levels across different regions in Palestine. Using the ecological systems theory, on the individual level we find that educational alienation, age appropriate

naivete, and internalization of norms are among the key factors that increase the likelihood of child marriage occurrence.

Our study demonstrates that many of our child-married participants struggled with academic achievement which they described as a key motivator for marrying early. This finding is corroborated in earlier studies, including in Palestine where AbuRayya, Hijazi and AlRabadi (2017) identified low educational attainment and negative attitudes towards school as significant demographic variables among child married women. Similarly, in South Asia a strong correlation has been found between child marriage and early school dropout (UNICEF, 2016), and in several African countries greater school dropout rates have been found to increase the risk of child marriage (Petroni et al., 2017).

Furthermore, child married participants described their normalization of child marriage given their repeated exposure to this phenomenon in their community. Within the ecological systems theory the process of internalization plays a key role in facilitating the adoption of community values into the individuals' psyche and worldview. Thus, internalized norms are found to be strong forces operating within the individual sphere to drive child marriage. A similar finding by Hamad and coworkers identified that 74% of their Palestinian and Syrian child bride sample were influenced by social norms and that 53% cited religious beliefs as primary reasons for their child marriage. These beliefs that function on the individual level are naturally informed by the environment but are nonetheless experienced as stemming from within the individual. To further exacerbate this process, the age group that child-married girls fall within has been found to be especially sensitive to social norms and more likely to conform to populated peer norms (Knoll et al, 2015; van Hoorn et al., 2019).

In the same vein, the age-appropriate naiveté expressed by child-married participants can be understood as a variable located within the individual sphere of the socioecological framework as many of our participants noted their immature and uninformed understanding of the demands of marriage. Montazeri and colleagues (2016) identified low autonomy in decision-making as an area of reported determinants in child marriage within their Iranian sample, including inappropriate decision-making skills, inadequate problem-solving skills, insufficient negotiation skills, and lack of critical thinking skills; all falling within social training and competencies acquired (or not) in upbringing through various social learning processes and structures. Furthermore, with various studies demonstrating the incomplete maturation of experience-informed cognitive processes and the increased propensity for risk-taking behaviours during adolescence (Brynes, 2002; van Hoorn et al., 2019), the participants' demonstrated age-appropriate naiveté falls well within the developmental stage they were in at the time they were made to make this extraordinarily risky decision. Thus, it is evident that various factors operating within the individual sphere are found prevalent among child- married women, with social norms carrying over into the interpersonal sphere.

Family norms and familial hardship appear to operate strongly within the interpersonal sphere as drivers of child marriage within our sample. With almost a fourth of participants coming from dysfunctional families that suffered from chronic economic difficulties, it is clear that these combined variables serve to facilitate child marriage. Indeed, this finding has been corroborated across multiple countries. For example, in India parental attitudes shaped by patriarchal social norms, have been linked to increased incidences of child marriage despite higher income levels and better education (Sharma et al., 2020). Similarly, Hamad and colleagues (2021) found that 83% of their Palestinian and Syrian child bride sample cited conservative family norms as major causes of their early marriages, while Montazeri and coworkers (2016) found that many of their child-bride participants had grown up in dysfunctional families who faced socioeconomic difficulties and cited these factors as key determinants that facilitated their child marriage.

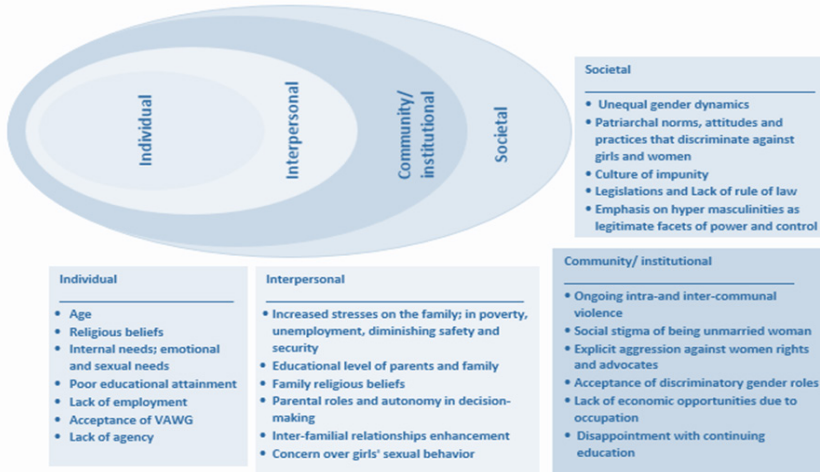
On the community level, geographical location and once again norms are found to be strong factors in child marriage. Indeed, the two factors are highly interconnected as participants, both child married and key stakeholders, noted that the prevalence of child marriage within a community was highly linked to that community's beliefs and practices. Hebron, Jerusalem, and Nablus Governorates were noted to have the highest rates of child marriage, a finding that has been documented in earlier studies as the latest data indicate that, following urban Gaza, the highest percentage of child marriage is located in the urban areas of Hebron and Jerusalem (MICS 2014, MICS 2019). For example, it is about 4 out of 10 girls in certain areas of Zone C (i.e., Jordan Valley and southern parts of the West Bank, including Zone H2). These areas are notably under increased violence by the Zionist colonial system thereby further underscoring the relationship between political unrest and the increased rate of child marriage as noted in previous literature (Menz, 2016; UN-ESCWA, 2015; UNFPA, 2015, UNICEF, 2022). These unusually high rates of child marriage in the mentioned urban areas are linked to the ongoing sociopolitical unrest caused by the Zionist settler colonization of Palestine in general but more viciously in these urban communities who aim to preserve their assaulted identity by holding on to antiquated practices, including child marriage, as it was identified by participants as a social norm within these groups. Indeed, one of the mechanisms of conducting child marriage was identified to operate on the community sphere, whereby exploitation of honor norms to pressure the legal system into granting an exemption is seen to function based on the communities' beliefs.

Within the social sphere, child marriage appears to be driven by the lack of accountability, the ideological dogmatism of personnel within the responsible legal institutions mainly being the Sharia courts in this case, by the social and political instability that permits individuals to freely outsource local legal barriers, and by the prevalence of deeply rooted patriarchal norms that inform the functioning of institutional bodies. Our findings demonstrate that many participants and key stakeholders have observed the lack of pushback from the Sharia court on individuals' violation of Legislation 21. In the same way that AlRiyahi (2023) found in his study that justifications for child marriage exemptions are not documented anywhere, most of our participants reported that they did not know the stated reasons for their own child marriage exemption. Meaning that once again, there is a dominating evasiveness that shrouds the reasons for exemptions, which warrants significant alarm on such a crucial matter. While some participants noted the exploitation of honor norms, and some clearly stated nepotism as a means of obtaining exemptions through the court, the dominating narrative is murky and opaque which is emblematic of the vagueness normally seen when taboos are unfolding. AlRiyahi (2023) argues that Legislation 21 has led to a significant increase in the number of unregistered illegal child marriages and indeed there is clear evidence in our study that the court shows little interest in upholding the penalty that must follow this illegal breach. With over 500 cases filed retroactively to legalize child marriages since the passage of Legislation 21 (Alsharif, 2022) there is no indication of any serious penalties incurred upon breaking this law. This is further exacerbated by the legal pluralism that governs Palestinian land wherein individuals are free to seek alternative routes to child marriage outside their locality. This legal chaos further underscores the prevalence of patriarchal violence in conditions of political unrest akin to what is seen with the unusually high rates of child marriage in Yemen and Iraq (Oxfam, 2020; Ministry of planning, 2012).

Based on our findings it can be surmised that the refusal to adopt this law by the community and its individuals is indeed a trickledown occurrence, wherein the ideological dogmatism and rigidity in thinking is displayed first and foremost by those who are meant to uphold a law they perceive as going against their religious beliefs. Key stakeholders, including sharia judges and registered marriage officials, expressed in more than one way their resentment of having to abide by Legislation 21 which they believed conflicts with sharia law. By conflating sharia law with Islamic worship and spiritual devotion, many of these court personnel appear to think that they are breaking God's divine rule which in turn is eliciting clear resistance towards upholding Legislation 21. This again centers the significance of dominating social norms as a key component in driving the practice of child marriage where dominantly held beliefs such as the idea that girls become ready for marriage simultaneously when puberty begins are so deeply intertwined with religious thinking that has not been revisited or investigated in light of current scientific findings. Indeed,

norms are seen to operate at every level across all the socioecological spheres, making it arguably the most powerful driver of child marriage and perhaps one of the most important yet complicated to tackle. Figure 21 below demonstrates framing child marriage according to ecological systems theory, according to what emerged from this study; With values being the common denominator in all spheres.

Figure 21: Ecological systems theory employed in framing child marriage



Our findings indicate that the impact of child marriage among our participants is similar to previous findings, where almost a fourth of child-married participants described experiencing at least one form of violence throughout their marriage. Across different countries including India, Ethiopia, Bangladesh, and Afghanistan child brides are more likely to be subject to physical and emotional violence from their husbands (Nasrullah et al., 2014; Santhya et al., 2010; Yount et al., 2016). Research indicates that child brides are especially likely to experience domestic violence when there is a large age gap between them and their husbands (Clark et al., 2017). In the Gaza strip 63% of child brides reported being subject to at least one form of domestic violence (PCBS, 2019b). In Egypt, 40% of women married before age 18 report experiencing domestic violence (UNFPA, 2015). AIRifai and coworkers' (2021) regional comparative study in Palestine, Iraq, and Yemen in which 888 ever-married women and survivors of domestic violence participated, more than two-fifths of the participants who were married, divorced, or widowed when they participated in the study were married before the age of 18. Evidently our sample was no different as they reported unusually high rates of domestic violence experienced throughout their marriage. Moreover, almost half of our sample expressed being forced into a state of financial dependency imposed by their husbands who deny them the right to work, while almost a fourth of our sample had become pregnant by the age of 17. It is important to stress once more that the increased risk of death and severe injury during pregnancy and childbirth for girls is not only the result of undeveloped reproductive organs, but is also the result of their lack of agency in making crucial health decisions such as family planning, contraceptive use, and antenatal care given the frequently unbalanced power relationship in the marriage (Burgess et al., 2022; UNFPA, 2015). These painful findings corroborate what has been found in previous literature and further emphasize the patriarchal violence that lies within the very heart of the practice of child marriage.

Almost a third of child-married participants expressed regret for having been wed early and many lamented the rights they were robbed of and the life they were denied in being forced into such a lasting contract. Our study demonstrates in no uncertain terms how violently destructive child marriage is on the lives of the children forced into it. Sadly, we have found that the continuation of this brutal practice is in large part due to the complacency and collusion of the institutions that should be preventing this cruel practice. Our study demonstrates that while indeed there is a socially chaotic structure on Palestinian land, given the forced presence of a colonial system, there is very little effort made by those who do have power to uphold this law on the land where some order reigns. With hardly any deterrent penalties and a prevalence of antiquated and baseless social norms that are deeply rooted in patriarchal violence many young girls will continue to be robbed of their freedom, safety, and rights by the time they hit puberty. Subsequently, this calls for urgent and large-scale interventions on various levels discussed in further detail in the following pages.

5.2 Conclusions

Our findings demonstrate that the risks of child marriages are paramount. Destructive social norms continue to be the prime instrument stubbornly defending the practice of child marriage and perpetuating it on the cultural level, both institutionally and societally. Furthermore, the existing gap in Legislation 21, namely article 2(2) provides for exemptions for underage marriages with no specifications, controls or standards to define what warrants granting these exemptions, thereby effectively annulling the law. To make matters worse, nondeterrent penalties for law violation have created conditions where the law is taken lightly by the public, most critically by resorting to customary legally corrupt marriages which presents experts and women rights organizations with a black box that must be opened and interrogated.

The importance of clear and consistent marriage age laws to effectively combat child marriage cannot be overstated. Clear and consistent marriage age laws are crucial to combat child marriage, as exceptions and reliance on religious courts can worsen the situation. The concerns expressed about the exception clause in Palestinian law show that further efforts and reforms are needed to protect especially female children from early and forced marriage.

5.3 Recommendations

1. Establish an allyship between feminist organizations and human rights organizations for abolishing child marriage and bridge non-defensive dialogue with the Sharia court and legislators. Galvanize collective and comprehensive civil society efforts by building an alliance between human right movement and feminist movement to jointly target hard to penetrate sectors, collectively acting on influential establishments and actors such as sharia court officials (men and women) and others. In order to effect legislative change that will be factually and firmly implemented on the ground two key changes must occur on the level of discourse.

a. First, given the clear evidence that many of the child married girls' rights are completely denied by the practice of child marriage it is essential that this issue is adopted by human rights organizations and to not have the burden of abolishing child marriage fall solely on the shoulders of feminist activists and organizations. To that point, the evident defensiveness exhibited by various sharia court personnel in response to Legislation 21 suggests that they are experiencing the law as an attack on their belief system, religious practices and power spaces; a perception that is exacerbated by the fact that this reform is being spearheaded by feminist organizations, with whom the Sharia courts have a long history of animosity. Thus, it is essential to introduce mediating actors who adopt this topic as an issue of human rights, informed by scientific evidence, reported lived experiences of survivors of child marriage, and the basic rule of human rights laws.

b. Second, it is imperative that personnel in the sharia court and religious establishment engage in annual capacity development and sensitization seminars aimed at:

i. Informing them of the biological and social evidence of adolescent development, thereby shedding light on the invalidity of their arguments for the child's readiness for marriage.

ii. Simultaneously, these seminars must aim to facilitate a reflective process on the individuals' relationship to women and justice within their community. In doing so, the facilitator should try to engage the members in a critical inspection of what it is they're defending against when confronted with the injustice of child marriage. It can be surmised that years of imperialist and colonial attacks on Islam have resulted in valid feelings of protectiveness towards it. In reality, abolishing the brutal practice of marrying Palestinian children before they understand what they are stepping into is far from an assault on Islam, this is a reform demanded by the Palestinians for the Palestinian community away from mainstream misinformation, as a prerequisite to achieve social justice, which in itself is a requirement deeply-seeded in Islamic thought.

iii. Finally, these seminars should expose the participants to firsthand accounts of child marriage survivors in order to implicitly humanize the cause against this practice more, thereby reducing participants' defensiveness and increasing their empathy and motivation to eliminate this practice.

2. Advocacy for legal reform on the penalties for noncompliance with Legislation 21 and abolishment of exemptions for child marriage. It is recommended that advocacy efforts focus on two important fronts:

a. Using the deterrent theory of punishment, there needs to be a reform of the penalty for conducting child marriage wherein punishment must be severe enough to deter individuals from committing this crime. Meaning that a relatively small fine cannot continue to serve as the punishment for such a severe law violation that results in the long-lasting physical, psychological, financial, and intergenerational damages on the lives of so many young girls, especially since this practice is considered to be in violation of many decreed human rights laws. Subsequently, there needs to be a thoughtful and deliberate revisiting of the means of penalizing law breakers and there needs to be stringent upholding of these penalties by the courts.

b. Findings from this study and previous literature (e.g., Alsharif, 2022; AlRiyahi, 2023) indicate that the mere existence of exemptions to Legislation 21 provides a façade for law breakers to retroactively register- in order to correct- legally corrupt child marriages, and in many cases is being actively used without any clarification of what constitutes these exemptions. This exemption clause is thus a tool for enablement. Essentially, the existence of exemptions, especially with such undefined parameters, undermines the very core premise of Legislation 21, whereby this law is designed to protect the rights and lives of children from being forced into early marriage. To put forth the supposition that there can be exemptible extenuating circumstances legitimizing the violation of a child's rights to this degree overlooks the rights and lived experiences of those very children this law is designed to protect. The losses incurred and suffering experienced by these child-married women are so clearly devastating, long lasting, and intergenerationally and systemically harmful and costly that no clause of exemption can reasonably excuse. Consequently, it is recommended that not only for the sake of the child herself, but also for the sake of her impacted descendants, the overstretched healthcare system, and the struggling economic structure, exemptions for child marriage must not be permitted.

3. Using social norms theory, conduct mass-marketing campaigns and brief personal interviews and group activities to alter social norms in areas of high child marriage rates.,

This theory stipulates that individual are influenced by the real, imagined or implied behavior of their peers (Johnson, 2012). Social norms interventions thus aim to facilitate change by altering the individuals' perception of normative behavior. In Hebron, Jerusalem, and Nablus governorates, where child marriage is relatively prolific, it is recommended that this theory be utilized in several ways across different populations segments of both sexes, in institutions and the community, with a special focus on youth in schools and universities.

a. Using persistent mass- marketing campaigns via television, radio, and social media to address parents and children at risk of child marriage. Content aimed at parents should aim to invoke emotional responses of concern, responsibility, and protectiveness for their children from the real harms of child marriage. While content aimed at children should aim to lower or remove obstacles for seeking advocacy, community support, and healthcare services by providing access to such services through these campaigns. Both should aim to affect the decision-making process at the individual level of parents and children by de-normalizing the practice of child marriage through accurately locating its popularity within the larger Palestinian culture, i.e., demonstrating its' overall idiosyncrasy within the greater population thereby ultimately undermining its' perception as a norm.

b. Targeting at risk young girls and boys and children within the school setting or via extracurricular programs, summer camps and festivals, and brief personal interviews or group dialogues on conceptions of child marriage followed by normative feedback aimed at correcting the inaccurate perceived norms. Based on social norms theory, it is suggested that individuals tend to overinflate the frequency of the normalized behavior within the community. Subsequently, it is suggested that corrective feedback be provided by facilitators on the actual frequency of child marriage on the societal and worldwide scale coupled with information on the illegality, physical and psychological dangers, and overall negative and long-lasting impact of this practice on their lives thereby altering the degree to which this practice is perceived as normal and acceptable.

4. D. Utilize the steps of Theory of Change to target eliminating in the perpetrators the desire to perpetrate child marriage: In order to uproot the practice of child marriage and indeed patriarchal violence as a whole it is essential to better understand the drivers of this violence within the psyche of the men who elect to perpetrate violence against women, including marrying young girls. The fact that many child brides are weds to men much older than themselves centers the issue of legalized pedophilia, where there are likely important psychological determinants playing a role in a man's decision to marry a child as opposed to selecting an age-appropriate partner. It is thus essential that community based and individual interventions target this powerful demographic specifically.

a. Given the dearth of existing understanding of the deficits and dysfunction operating within the psychic structure of this demographic, current interventions are operating in the dark and aiming haphazardly without understanding what precisely needs to be addressed in the aggressing population. It is thus recommended that qualitative and quantitative studies aim to identify the areas of deficit and/or dysfunction most prevalent in this population.

b. Upon identifying the core problems and using the structure of Theory of Change, long term desired goals can be set and worked towards by mapping out the needed conditions and outcomes as informed by the evidence-based understanding of the deficits and dysfunction and the subsequent needs of this population. This may include but is not limited to psychoeducational programs, support groups, incentive-based training programs, and other services deemed necessary based on the previous research and needs assessments findings.

Nevertheless, while recommendation C and D are aimed at altering the dominant discourse and minimizing the number of perpetrators, without stringent policy and Legislation as suggested in recommendation A and B, inherent injustice and human rights violations will continue to unfold if unchecked.

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