

Child marriage in armed conflict

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Abstract

Eradicating and addressing child marriage in situations of armed conflict requires that stakeholders increase their attention, knowledge, evidence-based protection measures, and resources in a coordinated fashion. To this end, this article examines what constitutes child marriage within the international legal framework. It then presents a concise analysis of what is known about child marriage in development contexts, before moving on to discuss the (limited) state of knowledge on child marriage in humanitarian settings, and the global response. It presents information on different married child populations, including child brides and grooms, girls forcibly married to armed actors, child widows, and child marriage within natural disasters. It concludes with ideas on the information and knowledge that is still needed to inform effective response.

Keywords: children, child marriage, forced marriage, humanitarian settings, armed conflict, gender, sexual and gender-based violence.

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Introduction

Past and recent history is filled with examples of sexual violence against girls, and to a lesser extent against boys, during armed conflict. Sexual violence against children during armed conflict includes sexual exploitation, sexual humiliation, sexual assault, sexual mutilation, rape, sexual enslavement, enforced prostitution, forced sterilization, and other cruel and inhuman sexual acts committed by parties to conflict and civilians during times of armed conflict. In addition, girls have been subjected to forced impregnation, forced child-bearing and forced termination of pregnancy. While in most cases the perpetrator is an adult, in some cases the abuser is another child.¹

This article focuses on a little-studied form of sexual and gender-based violence against children during times of armed conflict: child marriage. It makes a unique contribution by documenting and analyzing what is known regarding girls, and to a lesser extent boys, and child marriage during or as a result of armed conflict. The article thereby aims to fill gaps in the literature on different forms of sexual and gender-based violence during conflict; furthermore, based on this analysis, the authors outline key areas for future research on child marriage in armed conflict.

Our documentation and analysis are based on a comprehensive review of academic and grey literature (i.e., reports and briefings by non-governmental organizations) for manuscripts that discuss child marriage in situations of armed conflict. After a thorough search, the authors located fifty-seven such manuscripts. The literature on child marriage in development (i.e., non-conflict) settings is vast, and thus the authors limited their review and analysis to the most comprehensive reviews of the findings in this field.² Our purpose in consulting

- 1 For a thorough review of case law regarding sexual violence during armed conflict, see Gloria Gaggioli, "Sexual Violence in Armed Conflicts: A Violation of International Humanitarian Law and Human Rights Law", *International Review of the Red Cross*, Vol. 96, No. 894, 2014. The landmark early publication on children, armed conflict and violence, including sexual violence, is Graca Machel, *The Impact of War on Children*, UNICEF, New York, 1996. For a recent review of sexual violence against children in conflict see Save the Children, *Unspeakable Crimes: Sexual Violence against Children in Conflict*, 2013, available at: <https://resourcecentre.savethechildren.net/library/unspeakable-crimes-against-children-sexual-violence-against-children> (all internet references were accessed in March 2020).
- 2 See, among others, A. Amin, "Preventing Violence Against Adolescent Girls: What Works?", WHO Department of Reproductive Health and Research, presented at "3rd International Day of the Girl Child – Empowering Girls: Breaking the Cycle of Violence", WHO, Geneva, 2014; Saranga Jain and Kathleen Kurz, *New Insights on Preventing Child Marriage: A Global Analysis of Factors and Programs*, International Center for Research on Women (ICRW), Washington, DC, 2007; Jeni Klugman *et al.*, *Voice and Agency: Empowering Women and Girls for Shared Prosperity*, World Bank, Washington, DC, 2014; Amju Malhotra, Ann Warner, Allison McGonagle and Susan Lee-Rife, *Solutions to End Child*

the development-based literature was to gain insight into the range of push and pull factors and prevalence rates for child marriage in settings that were not in conflict to see what, if any, overlap or differences existed in the findings specific to conflict. The authors also carried out a total of seventeen in-depth interviews with experts from United Nations (UN) agencies, international agencies and international think tanks, as well as independent university researchers, working on areas directly or closely related to child marriage in conflict. The authors developed their first list of experts based on information provided by UN and international humanitarian and human rights organizations, and then snowballed out from there to locate and interview other experts. Finally, the lead author draws upon twenty years of field and research experience working with girls forcibly married during conflict.

This article examines what constitutes “a child” from a variety of vantage points, and what constitutes child marriage within the international legal framework. It then presents a concise overview and analysis of what is known about child marriage in development contexts, before moving to discuss the (limited) state of knowledge on child marriage in humanitarian settings, and the global response. The article considers a number of different child populations who are married within its review of the literature, including both child brides and grooms, girls forcibly married to armed actors, child widows, and child marriage within natural disasters. Throughout, the authors highlight gender and age differences where they appear. The article concludes with ideas about what information and knowledge is needed to inform response. In summary, eradicating and addressing child marriage in situations of armed conflict requires that stakeholders increase their attention, knowledge, appropriate and evidence-based protection measures, and resources in a coordinated fashion. This cannot be done effectively without evidence to inform practice. It also requires the full and meaningful participation of the women and girls who are affected, from the early stages through the monitoring and evaluating of efforts to address this pressing issue.

What is a child?

What constitutes a “child” in one place and time and under different cultural, knowledge and legal regimes can differ, though the UN Convention on the Rights of the Child (CRC) defines a child as every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier. Hence, our investigation of “children” in child marriage takes into account the dynamic biological, neurological, cultural, social, political and legal state of childhood and adolescence. Biologically, a human child is a person that is incapable of reproduction and has not reached puberty. Puberty and reproductive capacity normally begin between 11 and 13 years of age for girls, and 11 and 14

Marriage: What the Evidence Shows, ICRW, Washington, DC, 2011; Nawal M. Nour, “Child Marriage: A Silent Health and Human Rights Issue”, *Review of Obstetric Gynecology*, Vol. 2, No. 1, 2009.

years of age for boys.³ However, in terms of cognitive and emotional development, human brains are not fully developed until approximately 25 years of age. With developments in neurology and brain science, we now know that adults (i.e., those whose brains are fully developed) primarily use their prefrontal cortex for processing information. This region of the brain is where rational and logical thinking, organization and an ability to foresee long-term consequences for actions are housed. In comparison, humans in their pre-teens through to their early twenties process information using both the amygdala, which is the emotional site of the brain, and the prefrontal cortex, which remains undeveloped. The result is that the brains of humans in their teens and early twenties process information significantly differently than adults, and hence they think, respond and act differently than adults.⁴

In the fields of religion, history, sociology and anthropology, what constitutes a child in different cultures, countries and time periods is largely understood as a social and political construct.⁵ For example, Islamic law declares that the age of puberty marks the end of a person being a child. Abū Ḥanīfah (d. 767), the founder of the Ḥanafī school of law, declared the age of puberty to be 18 for boys and 17 for girls, arguing that girls physically and mentally mature earlier than boys. The Islamic Malikī jurists offer various ages of puberty, ranging from 16 to 19. As a result, Islamic law is not settled on the age at which one is no longer a child.⁶ From a sociological perspective, in some cultures it is not until a male has secured a home, married and had children that he is considered a “real man” and may take his place as such in that society. For females in similar societies, it is not until they are wedded, with a bride price or a dowry, and have children that they are considered “true” and legitimate women.⁷ These socio-cultural signifiers of maturity also interact with factors such as perceptions of attaining puberty to determine the social roles and expectations of a given individual.

Within the legal regime, the CRC is the premiere instrument of international law regarding children’s rights.⁸ Article 1 of the CRC defines a child as “a human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier”. The CRC has been ratified by all UN member States except the United States.⁹ Within the majority of countries that

3 Melissa Conrad Stöppler, “Puberty First Signs, Symptoms, Ages, and Stages in Girls and Boys”, *MedicineNet*, available at: www.medicinenet.com/puberty/article.htm.

4 Linda Patia Spear, “The Adolescent Brain and Age-Related Behavioral Manifestations,” *Neuroscience & Biobehavioral Reviews*, Vol. 24, No. 4, 2000; Sarah-Jayne Blakemore and Suparna Choudhury, “Development of the Adolescent Brain: Implications for Executive Function and Social Cognition”, *Journal of Child Psychology and Psychiatry*, Vol. 47, No. 3–4, 2006.

5 Jo Boyden and Joanna de Berry, *Children and Youth on the Front Line: Ethnography, Armed Conflict and Displacement*, Oxford and New York, Berghahn Books, 2004.

6 See the article by Ahmed Al-Dawoody and Vanessa Murphy in this issue of the *Review*.

7 *Ibid.*

8 Convention on the Rights of the Child, 1577 UNTS 3, 20 November 1989, p. 3, available at: <https://www.refworld.org/docid/3ae6b38f0.html>.

9 See the ICRC Treaty Database, available at: https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/States.xsp?xp_viewStates=XPages_NORMStatesParties&xp_treatySelected=540.

are signatories, 18 is the age of majority, but in some cases laws vary on what constitutes a child, and sometimes the age is lower than the CRC standard of 18 years. Importantly, in some countries, the age of majority—meaning the age at which a child attains (nearly) all adult rights—can differ from the lawful age of marriage, criminal responsibility or enlistment in armed forces in domestic frameworks. In the United States, for example, in thirteen states children as young as 10 can be tried as adults for violent crimes and sentenced to imprisonment in adult detention facilities.¹⁰

Per the authors' focus on child marriage, the Committee on the Rights of the Child, which oversees the enactment of the CRC, "strongly recommends that state parties review and where necessary reform their legislation and practice to increase the minimum age for marriage with and without parental consent to eighteen years for both boys and girls".¹¹

Notably, the "Joint General Recommendation/General Comment No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on Harmful Practices", in 2014, highlighted the evolving capacities of a child:

As a matter of respecting the child's evolving capacities and autonomy in making decisions that affect her or his life, a marriage of a mature, capable child below 18 years of age may be allowed in exceptional circumstances, provided that the child is at least 16 years of age and that such decisions are made by a judge based on legitimate exceptional grounds defined by law and on the evidence of maturity, without deference to culture and tradition.¹²

Sexual violence against children in times of armed conflict: The international legal framework

International human rights law, international humanitarian law (IHL) and international criminal law all apply during situations of armed conflict. Below, the article discusses key aspects of these bodies of law in order to understand what constitutes sexual violence against a child.¹³ At the same time, there may be other legal frameworks applicable at the regional, domestic or even municipal levels.

10 "Children in Adult Jails", *The Economist*, 28 March 2015, available at: www.economist.com/united-states/2015/03/28/children-in-adult-jails.

11 Committee on the Rights of the Child, General Comment No. 4, "Adolescent Health and Development in the Context of the Convention on the Rights of the Child", UN Doc. CRC/GC/2004/4, 2004, para. 16.

12 Committee on the Rights of the Child and Committee on the Elimination of Discrimination against Women (CEDAW), "Joint General Recommendation/General Comment No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on Harmful Practices", UN Doc. CEDAW/C/GC/31/CRC/C/GC/18, New York, 2014, para. 20, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?SymbolNo=CEDAW/C/GC/31/CRC/C/GC/18.

13 For a comprehensive review and analysis of the development of crimes of sexual violence within international humanitarian and human rights law, see G. Gaggioli, above note 1.

National laws regarding sexual violence and abuse of children vary by country based on the legal definition of what constitutes a child and child sexual abuse, and when a person reaches the legal age of consent for sexual activity. Under the laws of most countries, minors are expressly singled out for protected from sexual abuse and are considered incapable of granting legal consent for sexual activity. Even so, many countries continue to allow the marriage and subsequent sexual abuse of girl children by adult males.¹⁴

The World Health Organization (WHO) defines sexual violence as

any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work. Coercion can cover a whole spectrum of degrees of force. Apart from physical force, it may involve psychological intimidation, blackmail or other threats.¹⁵

The CRC obliges States to adopt a comprehensive and strong approach to preventing abuse of children, including sexual abuse. Article 19 directs:

States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.¹⁶

Article 34 instructs States Parties to

undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent: (a) The inducement or coercion of a child to engage in any unlawful sexual activity; (b) The exploitative use of children in prostitution or other unlawful sexual practices; (c) The exploitative use of children in pornographic performances and materials.

Article 35 extends this protection to “prevent[ing] the abduction of, the sale of or traffic in children for any purpose or in any form”. Article 39 of the CRC calls for States Parties to take all measures “to promote physical and psychological recovery and social reintegration of a child victim” of any exploitation or abuse, including sexual, “in an environment which fosters the health, self-respect and dignity of the child.” Furthermore, the CRC Optional Protocol on the Sale of

14 Ruth Gaffney-Rhys, “International Law as an Instrument to Combat Child Marriage”, *International Journal of Human Rights*, Vol. 15, No. 3, 2011.

15 Etienne G. Krug *et al.* (eds). *World Report on Violence and Health*, WHO, Geneva, 2002, p. 149, available at: www.who.int/violence_injury_prevention/violence/global_campaign/en/chap6.pdf.

16 CRC, Art. 19.

Children, Child Prostitution and Child Pornography offers additional protection against sexual abuse for children of all genders.¹⁷

IHL has developed in line with increased attention to sexual and gender-based crimes.¹⁸ Article 27 of Geneva Convention IV of 1949 states: “Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution or any form of indecent assault.” Common Article 3 to the Geneva Conventions, which prohibits sexual violence in all conflicts against non-State armed groups, also prohibits sexual violence.¹⁹ People of all genders are given protection against some sexual crimes committed by parties to conflict with Additional Protocol II of 1977, which states that the following acts shall remain prohibited at any time and in any place whatsoever: “outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault”.²⁰ Furthermore, customary IHL prohibits sexual violence in both international and non-international armed conflict.²¹

In *The Prosecutor v. Jean-Paul Akayesu*, the Trial Chamber of the International Criminal Tribunal for Rwanda (ICTR) asserted that sexual violence is “any act of a sexual nature which is committed on a person under circumstances which are coercive”,²² and that it is “not limited to a physical invasion of the human body and may include acts which do not involve penetration or even physical contact”.²³ Thus the term “act of a sexual nature” is very wide-ranging, from comments that are sexual through to penetration of any opening of the human body with any object. The ICTR Trial Chamber further held that coercion should be understood broadly to include any act or show of physical force, as well as “[t]hreats, intimidation, extortion and other forms of duress which prey on fear or desperation”.²⁴

17 Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, UN Doc. A/RES/54/263, 16 March 2001, available at: www.refworld.org/docid/3ae6b38bc.html.

18 See G. Gaggioli, above note 1.

19 ICRC, *Commentary on the First Geneva Convention: Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field*, 2nd ed., Geneva, 2016, paras 696–707, available at: <http://tinyurl.com/uekn98m>.

20 Protocol Additional (II) to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts 1125 UNTS 609, 8 June 1977 (entered into force 7 December 1978), Art. 4(2)(e). The lack of rigour and application of law to adequately address sexual crimes during conflict, particularly prior to the development of the Rome Statute of the International Criminal Court, has been sharply critiqued: see, for example, Judith Gardam and Michelle J. Jarvis, *Women, Armed Conflict and International Law*, Kluwer Law International, The Hague, 2001; Judith Gardam and Ustinia Dolgopool (eds), *The Challenge of Conflict: International Law Responds*, Martinus Nijhoff, The Hague, 2006.

21 Jean-Marie Henckaerts and Louise Doswald-Beck (eds), *Customary International Humanitarian Law*, Vol. 1: *Rules*, Cambridge University Press, Cambridge, 2005, Rule 93, available at: http://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule93.

22 ICTR, *The Prosecutor v. Jean-Paul Akayesu*, Case No. ICTR-96-4, Judgment (Trial Chamber), 2 September 1998, para. 688; ICTR, *The Prosecutor v. Alfred Musema*, Case No. ICTR-96-13, Judgment (Trial Chamber), 27 January 2000, para. 965.

23 ICTR, *Akayesu*, above note 22, para. 688.

24 *Ibid.*

International criminal law has further codified crimes of sexual violence, most notably in the Rome Statute of the International Criminal Court (ICC). Here, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization and any other form of sexual violence of comparable gravity against a person of any age, sex or gender may constitute a war crime or crime against humanity.²⁵ While international law prohibits sexual violence against all persons regardless of sex, gender or age, it is only within the last twenty years that national and international actors and courts have explicitly and rigorously paid attention to sexual crimes.²⁶

The UN Security Council has passed a number of resolutions regarding sexual violence against children. One of the most impactful is Resolution 1612, which requires “the systematic gathering of accurate, timely, objective and reliable information on six grave violations committed against children in situations of armed conflict” and triggers action by the Security Council and other key actors. These six violations are (1) killing and maiming of children, (2) recruitment and use of children by armed forces and groups, (3) sexual violence against children, (4) attacks against schools or hospitals, (5) abduction of children and (6) denial of humanitarian access for children.²⁷ Security Council Resolution 1882 identifies sexual violence against children during armed conflict as a top priority and requires parties to the conflict to create and enact plans to stop these crimes.²⁸ Furthermore, Human Rights Council Resolution 7/29 condemns child sexual abuse and exploitation during armed conflict.²⁹ The ten United Nations Security Council Resolutions that make up the Women, Peace and Security Agenda also call for action to address sexual violence against girls and boys; they are Resolutions 1325,³⁰ 1820,³¹ 1888,³² 1889,³³ 1960,³⁴ 2106,³⁵ 2122,³⁶ 2242,³⁷ 2467³⁸ and 2493.³⁹

25 Rome Statute of the International Criminal Court (last amended 2010), 17 July 1998, Arts 7(1)(g), 8(2)(b) (xxii), 8(2)(e)(vi), available at: www.refworld.org/docid/3ae6b3a84.html.

26 Morten Bergsmo, Alf Butenschon Skre and Elisabeth Jean Wood (eds), *Understanding and Proving International Sex Crimes*, Torkel Opsahl Academic Publisher, Beijing, 2012. There remains a significant need to make visible and address crimes of sexual violence against sexual minorities, including lesbian, gay, bisexual, transgender and intersex people, in armed conflicts and humanitarian emergencies: see also Chris Dolan, “Letting Go of the Gender Binary: Charting New Pathways for Humanitarian Interventions on Gender-based Violence”, *International Review of the Red Cross*, Vol. 96, No. 894, 2015.

27 UNSC Res. 1612, UN Doc. S/RES/1612, 26 July 2005, available at: www.refworld.org/docid/43f308d6c.html.

28 UNSC Res. 1882, UN Doc. S/RES/1882, 4 August 2009, available at: www.refworld.org/docid/4a7bdb432.html.

29 Human Rights Council Res. 7/29, 28 March 2008, available at: https://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_7_29.pdf.

30 UNSC Res. 1325, UN Doc. S/RES/1325, 31 October 2000, available at: www.refworld.org/docid/3b00f4672e.html.

31 UNSC Res. 1820, UN Doc. S/RES/1820, 19 June 2008, available at: www.refworld.org/docid/485fbc72c.html.

32 UNSC Res. 1888, UN Doc. S/RES/1888, 30 September 2009, available at: www.refworld.org/docid/4ac9aa152.html.

33 UNSC Res. 1889, UN Doc. S/RES/1889, 5 October 2009, available at: www.refworld.org/docid/4acdd8512.html.

34 UNSC Res. 134, UN Doc. S/RES/134, 1 April 1960, available at: www.refworld.org/docid/3b00f1893c.html.

35 UNSC Res. 2106, UN Doc. S/RES/2106, 24 June 2013, available at: www.refworld.org/docid/51d6b5e64.html.

36 UNSC Res. 2122, UN Doc. S/RES/2122, 18 October 2013, available at: www.refworld.org/docid/528365a44.html.

37 UNSC Res. 2242, UN Doc. S/RES/2242, 13 October 2015.

38 UNSC Res. 2467, UN Doc. S/RES/2467, 23 April 2019.

39 UNSC Res. 2493, UN Doc. S/RES/2493, 29 October 2019.

Regionally, Article 16 of the African Charter on the Rights and Welfare of the Child urges member States to

take specific legislative, administrative, social and educational measures to protect the child from all forms of torture, inhuman or degrading treatment and especially physical or mental injury or abuse, neglect or maltreatment including sexual abuse, while in the care of a parent, legal guardian or school authority or any other person who has the care of the child.⁴⁰

Article 27 of the African Charter states:

State Parties to the present Charter shall undertake to protect the child from all forms of sexual exploitation and sexual abuse and shall in particular take measures to prevent: (a) the inducement, coercion or encouragement of a child to engage in any sexual activity; (b) the use of children in prostitution or other sexual practices; (c) the use of children in pornographic activities, performances and materials.⁴¹

The Council of Europe Convention on Action against Trafficking in Human Beings criminalizes any human trafficking, including sexual exploitation and abuse of children.⁴² The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse criminalizes all sexual contact with a child that is under the legal age of consent.⁴³

In conclusion, the international human rights, humanitarian and criminal law systems have robust protections in place to safeguard children from sexual violence. However, many States fail to comply with international standards that protect children from sexual violence. Notably, this failure includes child brides and grooms who are married prior to obtaining legal age, and who are thus incapable of giving consent. In contrast to boy grooms, who are usually older or near the same age as their bride, girl brides are often married against their will to men a decade or more older than them who forcefully initiate them into sexual relations.⁴⁴

Child and forced marriage

Marriage is a complex and diverse social, cultural, religious and legal institution that has been examined in a range of fields including social anthropology, legal scholarship, economics, sociology and political science.⁴⁵ Scholars studying

40 African Charter on the Rights and Welfare of the Child, CAB/LEG/24.9/49 (1990), 11 July 1990, Art. 16, available at: www.refworld.org/docid/3ae6b38c18.html.

41 *Ibid.*, Art. 27.

42 Council of Europe Convention on Action Against Trafficking in Human Beings, CETS 197, 16 May 2005, available at: www.refworld.org/docid/43fded544.html.

43 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, CETS 201, 12 July 2007, available at: www.refworld.org/docid/4d19a904615b.html.

44 R. Gaffney-Rhys, above note 14.

45 For a legal discussion of the use of the term “marriage”, see M. Bergsmo, A. B. Skre and E. J. Wood (eds), above note 26.

marriage contend that there is no universal definition of marriage that can be applied cross-culturally.⁴⁶ For our purposes, it is important to recognize that the practice of child marriage also occurs in a variety of arrangements. Child marriages include those that are formalized, registered and recognized by custom, religion or the State, as well as those that are not formalized, are unregistered and are not recognized by custom, religion or the State. It is necessary to recognize, document and collect information on the entire range of child marriages that are occurring during and as a result of armed conflict.

The practice of child marriage threatens the lives and futures of girls and women around the world. Importantly, the UN General Assembly has declared that “deep-rooted gender inequalities and stereotypes, harmful practices, perceptions and customs, and discriminatory norms are ... among the root causes of child, early and forced marriage”.⁴⁷ Research conducted in development settings finds that child marriage occurs due to a variety of factors, including

insecurity, increased risks of sexual and gender-based violence, the misconception of providing protection through marriage, gender inequality, lack of access to continuous, quality education, the stigmatization of pregnancy outside marriage, the absence of family planning services, disruption in social networks and routines, increased poverty and the absence of livelihood opportunities.⁴⁸

Child marriage robs children of their agency to make decisions about their lives. It disrupts their education and makes them more vulnerable to violence, discrimination and abuse. Child marriages prevents children’s full participation in economic, political and social spheres throughout their lives. For girls, child marriage is also often accompanied by early and frequent pregnancy and childbirth, resulting in higher than average maternal morbidity and mortality rates. Maternal health consequences associated with early child marriage have been extensively documented. Adolescent mothers are at a substantially greater risk for maternal child morbidity and mortality, and are more likely to experience pregnancy complications. These risks in turn increase the probability of neonatal death, stillbirth, premature and low-birth-weight infants, and infant and child morbidity and mortality.⁴⁹ To illustrate, in a study of child marriage throughout

46 See Paul Bohannan and John Middleton (eds), *Marriage, Family, and Residence*, American Museum Sourcebooks in Anthropology, New York, 1968, p. 50; Edmund Ronald Leach, “Polyandry, Inheritance and the Definition of Marriage”, *Man*, Vol. 55, 1955, pp. 182–183. The Merriam-Webster Dictionary notes that the definition of the word “marriage” is highly controversial because it relates to culture, religion, legal rulings and human rights. Therefore, the definition that the dictionary does provide is quite inadequate, and the only definition that does not itself use the term “marriage” is “an intimate or close union”. See: www.merriam-webster.com/dictionary/marriage.

47 UNGA Res. 71/175, UN Doc. A/RES/71/175, 19 December 2016, available at: www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/71/175&referer=http://www.un.org/en/ga/71/resolutions.shtml&Lang=E.

48 UN Office of the High Commissioner for Human Rights, “Child, Early and Forced Marriage, Including in Humanitarian Settings”, available at: www.ohchr.org/EN/Issues/Women/WRGS/Pages/ChildMarriage.aspx.

49 Anita Raj, “When the Mother Is a Child: The Impact of Child Marriage on the Health and Human Rights of Girls”, *Archives of Disease in Childhood*, Vol. 95, No. 11, 2010; Andrew Nove, Zoe Matthews, Sarah Neal

several countries in sub-Saharan Africa, Nour found that mortality rates for babies born to mothers under 20 years of age were 73% higher than infants born to older mothers.⁵⁰

Since 2014, the UN General Assembly and the Human Rights Council have adopted resolutions urging member States to respond to, prevent and eliminate early, child and forced marriages. Recent guidance by the Committee on the Elimination of Discrimination against Women (CEDAW) and Committee on the Rights of the Child recommended that all States ensure “that a minimum legal age of marriage for girls and boys, with or without parental consent, is established at 18 years”.⁵¹ In 2018, the UN General Assembly also made strides on setting a universal marriage age, calling upon

States to enact, enforce and uphold laws concerning a minimum age of marriage, to monitor their application and to progressively amend laws with lower minimum ages of marriage and/or ages of majority to 18 and engage all relevant authorities to ensure that these laws are well known.⁵²

In 2015, over 190 countries adopted the Sustainable Development Goals (SDGs) and committed to ending child marriage by 2030.⁵³ SDG Target 5.3 aims, for the first time, to “eliminate all harmful practices, such as child, early and forced marriage”. Also relevant to child marriage are Target 16.1, “Significantly reduce all forms of violence and related death rates everywhere”, and Target 16.2, “End abuse, exploitation, trafficking and all forms of violence against and torture of children.”

For girls forcibly married to armed actors, SDG Target 8.7 is relevant; it calls upon States to

take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.

In addition, UN Security Council Resolution 2427 notes the need in reintegration processes to address children born of rape, including to girls forcibly married to armed actors:

Recognizing the important roles of both local and religious leaders and civil society networks in strengthening community-level protection, reintegration and combatting stigmatization of children, in particular girls, affected by

and Alma Virginia Camacho, “Maternal Mortality in Adolescents Compared with Women of Other Ages: Evidence from 144 Countries”, *The Lancet Global Health*, Vol. 2, No. 3, 2014.

50 Nawal M. Nour, “Health Consequences of Child Marriage in Africa”, *Emerging Infectious Diseases*, Vol. 12, No. 11, 2006.

51 Committee on the Rights of the Child and CEDAW, above note 12, para. 55(f).

52 UNGA Res. A/C.3/73/L.22/Rev.1, 12 November 2018, available at: <https://undocs.org/pdf?symbol=en/A/C.3/73/L.22/Rev.1>.

53 UNGA Res. 69/156, “Child, Early and Forced Marriage”, UN Doc. A/RES/69/156, 22 January 2015.

armed conflict, including children born as a result of sexual violence in conflict.⁵⁴

Important international, regional, national and subnational instruments, mechanisms and initiatives are now in place to end child marriage. Most notably, these include the African Union's Campaign to End Child Marriage,⁵⁵ the Regional Action Plan to End Child Marriage in South Asia,⁵⁶ the Joint Inter-Agency Programme to End Child Marriage and Early Unions in Latin American and the Caribbean,⁵⁷ and the Southern African Development Community Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage.⁵⁸

Child marriage is a global problem that spans across countries, religions and cultures. Currently, our knowledge of child marriage as a phenomenon is primarily based on information gathered in development settings, and focuses on child brides.⁵⁹ Yet humanitarian and human rights actors are increasingly aware of the practice of child marriage in situations of armed conflict. The 2017 Human Rights Council Resolution on Child Marriage in Humanitarian Settings acknowledges that gender inequality is among the root causes of child marriage, with poverty and lack of education among the key drivers of the practice.⁶⁰ Research finds that child marriage is driven by multiple, complex factors including gender norms, poverty, lack of alternatives, tradition, insecurity, and rural and urban differences (with rural girls being significantly more like to become child brides).⁶¹

54 UNSC Res. 2427, UN Doc. S/RES/2427, 9 July 2018, available at: <http://unscr.com/en/resolutions/doc/2427>.

55 African Union, "African Union's Campaign to End Child Marriage", available at: <https://au.int/en/sa/cecm>.

56 South Asia Initiative to End Violence against Children, *Regional Action Plan to End Child Marriage in South Asia (2015–2018)*, 2015.

57 Margaret E. Greene, *A Hidden Reality for Adolescent Girls: Child, Early and Forced Marriages and Unions in Latin American and the Caribbean*, Plan International in the Americas and United Nations Population Fund (UNFPA), Regional Office for Latin America and the Caribbean, available at: https://lac.unfpa.org/sites/default/files/pub-pdf/UnionesTempranas_ENG_Web.pdf.

58 Southern African Development Community Parliamentary Forum, Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage, available at: www.girlsnotbrides.org/wp-content/uploads/2016/10/MODEL-LAW-ON-ERADICATING-CHILD-MARRIAGE-AND-PROTECTING-CHILDREN-ALREADY-IN-MARRIAGE.pdf.

59 On child marriage in development settings, see, for example, UNICEF, "Ending Child Marriage: Progress and Prospects", New York, 2014; UNFPA, *Marrying too Young*, New York, 2012; A. Raj, above note 49; Joar Svanemyr, Venkatraman Chandra-Mouli, Anita Raj, Ellen Travers and Lakshmi Sundaram, "Research Priorities on Ending Child Marriage and Supporting Married Girls", *Reproductive Health*, Vol. 12, 2015.

60 Human Rights Council, 35th Session, Agenda Item 3, "Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development", 6–23 June 2017.

61 N. M. Nour, above note 2; A. Raj, above note 49; Thais Bessa, "Informed Powerlessness: Child Marriage Interventions and Third World Girlhood Discourses", *Third World Quarterly*, Vol.40, No. 11, 2019; CARE, *To Protect Her Honour: Child Marriage in Emergencies – the Fatal Confusion between Protecting Girls and Sexual Violence*, May 2015; Yvette Efevbera *et al.*, "Girl Child Marriage, Socioeconomic Status, and Undernutrition: Evidence from 35 Countries in Sub-Saharan Africa", *BMC Medicine*, Vol. 17, No. 55, 2019.

While child marriage affects both boys and girls, girls and women suffer disproportionately—650 million women alive today were married as children, compared to 156 million men. Generally, girls are married at younger ages and there is often a large age difference between the female and male spouses. Currently, 12 million girls under 18 years of age are married each year worldwide. South Asia is home to the largest number of child brides, followed by sub-Saharan Africa, though child marriage of girls is found in all regions of the world, including Western countries.⁶² In the top twenty countries reporting the highest prevalence rates of marriage of girls, the rates range from 76.3% of girls married in Niger to 35.4% in Sao Tome and Principe.⁶³ The gender discrimination against girls in marriage laws is stark: in fifty-two countries girls under 15 years of age can be married exclusively with the authority of their parents, while for boys the same applies in twenty-three countries. In the majority of countries, the legal age of marriage for girls is younger than it is for boys.⁶⁴

We know very little about the push and pull factors associated with boys marrying, and even less about their experiences of child marriage. Prevalence rates are only just emerging. Researchers analyzing data from eighty-two countries in seven regions found that, overall, 4.7% of males were married before they were 18 years of age. Notably, the countries with the highest rates of marriage for boys did not have similarly high rates of marriage for girls. Researchers found that in the top twenty countries reporting the highest prevalence rates of marriage of boys, the rates range from 27% of boys married in the Central African Republic (CAR) to the low end of 6.5% in Sierra Leone.⁶⁵ Importantly, boy grooms are much less likely to be forcefully sexually initiated, face no risks of pregnancy and early childbirth, and are not stigmatized and abused when divorced in the ways that girl brides are. Nonetheless, marrying as a boy is a negative and harmful experience which often robs the boy of his childhood and educational opportunities and traps him in poverty.⁶⁶

Child marriage is not the same for girls and boys, nor is it the same around the world or even within a country. Context plays a highly significant role in determining the many factors that shape child marriage. Research in 2017 by Petroni *et al.*, across four countries in Sub-Saharan Africa (Kenya, Senegal, Uganda, and Zambia), confirms the findings of the existing literature:

62 UNICEF, “Child Marriage: Latest Trends and Future Prospects”, available at: <https://data.unicef.org/resources/child-marriage-latest-trends-and-future-prospects/>.

63 *Ibid.*

64 Colleen Murray Gastón, Christina Misunas and Claudia Cappa, “Child Marriage among Boys: A Global Overview of Available Data”, *Vulnerable Children and Youth Studies*, Vol. 14, No. 3, 2019; Megan Arthur *et al.*, “Child Marriage Laws around the World: Minimum Marriage Age, Legal Exceptions, and Gender Disparities”, *Journal of Women, Politics & Policy*, Vol. 39, No. 1, 2018.

65 C. M. Gastón, C. Misunas and C. Cappa, above note 64.

66 Nina Strochlic, “The Sad Hidden Plight of Child Grooms”, *The Daily Beast*, 18 September 2014, available at: www.thedailybeast.com/the-sad-hidden-plight-of-child-grooms.

[C]hild marriage is rooted in inequitable gender norms that prioritize women's roles as wives, mothers, and household caretakers, resulting in inadequate investments by families in girls' education. These discriminatory norms interact closely with poverty and a lack of employment opportunities for girls and young women to perpetuate marriage as a seemingly viable alternative for girls.⁶⁷

However, Petroni *et al.* also found at the African study sites that sexual relations, unplanned pregnancy and school dropout often preceded child marriage. These findings differ from most existing evidence on child marriage in South Asia. Furthermore, unlike in South Asia, where family members typically determine the spouse a girl will marry, most girls in the Africa study settings have greater autonomy in partner choice selection.⁶⁸

The practice of child marriage for girls and boys has continued to decline around the world. During the past decade, the proportion of young women who were married as children has decreased by 15%, from one in four (25%) to approximately one in five (21%).⁶⁹ However, according to UNICEF, given population growth and at the current rate of decline, countries are still not on track to reach the SDG of ending child marriage by 2030. In fact, at current rates, an additional 150 million girls will be married by that date.⁷⁰

Child marriage in armed conflict and humanitarian settings

In 2017, a Human Rights Council Resolution on Child Marriage in Humanitarian Settings recognized child, early and forced marriage as a human rights violation and a harmful practice that disproportionately affects women and girls globally. "Humanitarian settings" were defined by the Human Rights Council as "includ [ing] humanitarian emergencies [and] situations of forced displacement, armed conflict and natural disaster".⁷¹ As discussed above, under international standards, a child marriage is a form of forced marriage given that one or both parties have not expressed full, free and informed consent.⁷²

67 Suzanne Petroni, Mara Steinhaus, Natacha Stevanovic Fenn, Kirsten Stobenau and Amy Gregowski, "New Findings on Child Marriage in Sub-Saharan Africa", *Annals of Global Health*, Vol. 83, No. 5–6, 2017, p. 781. For 2018, Kenya and Uganda are both listed as fragile States in the "Alert" category, Zambia is listed as "High Warning", and Senegal is listed as "Elevated Warning". See: <http://fundforpeace.org/fsi/2018/04/24/fragile-states-index-2018-annual-report/>.

68 S. Petroni *et al.*, above note 67.

69 UNICEF, above note 62.

70 *Ibid.*

71 Human Rights Council, above note 60.

72 The Committee on the Rights of the Child and CEDAW do however note that "[a]s a matter of respecting the child's evolving capacities and autonomy in making decisions that affect her or his life, a marriage of a mature, capable child below 18 years of age may be allowed in exceptional circumstances, provided that the child is at least 16 years of age and that such decisions are made by a judge based on legitimate exceptional grounds defined by law and on the evidence of maturity, without deference to culture and tradition". Committee on the Rights of the Child and CEDAW, above note 12, para. 20.

During situations of war and crises, research shows that the family is one of the most important resources that children and youth have to help them survive with their physical, mental and emotional health intact.⁷³ This is not always the case, however. People who look at armed conflicts from afar tend to believe that armed conflict is the driving force of harm in young people's lives, but children and youth see and experience violence, including sexual violence, much more broadly and pervasively. We need to challenge the narrative of the supremacy of war as the leading cause of violence, including sexual violence, in the life of a child affected by armed conflict. One of the most striking findings that comes from listening to young people in areas affected by armed violence is how often the violence associated with the war and the warring parties is not what they report and experience as most threatening, harmful or damaging to them. Rather, among the most toxic and pervasive physical, sexual and emotional violence that many young people experience is that which comes from their family members, and for child brides, from their husbands.⁷⁴

In recent years, the implications of conflict-related sexual and gender-based violence have drawn increased attention at the local, national, and international levels. Child marriage is a form of sexual and gender-based violence that involves other violations, including, for example, forced labour.⁷⁵ Conflict and instability are thought to be significant drivers of child marriage, particularly for girls. Indeed, there is some evidence to suggest that girls in armed conflict and humanitarian crisis situations and fragile States are made more vulnerable to child marriage. Out of the ten countries with the highest rates of child marriage for girls in 2017, seven are considered fragile States: Niger (76%), the CAR (68%), Chad (67%), Bangladesh (59%), Mali (52%), South Sudan (52%) and Mozambique (48%). Furthermore, all of these countries are experiencing armed conflict and/or are hosting large conflict-displaced populations with high rates of child marriage, with the exception of Mozambique.⁷⁶

Notably, of the top ten countries reporting the highest prevalence rates of child marriage for boys, only the CAR (28%) is experiencing armed conflict, while Nicaragua (19%) and Honduras (12%) are experiencing high levels of armed forces- and gang-related violence and crime.⁷⁷

73 Theresa Stichick Betancourt and Kashif Tanveer Khan, "The Mental Health of Children Affected by Armed Conflict: Protective Processes and Pathways to Resilience", *International Review of Psychiatry*, Vol. 20, No. 3, 2008; Wietsse Tol, Suzan Song and Mark J. D. Jordans, "Annual Research Review: Resilience and Mental Health in Children and Adolescents Living in Areas of Armed Conflict – a Systematic Review of Findings in Low- and Middle-Income Countries", *Journal of Child Psychology and Psychiatry*, Vol. 54, No. 4, 2013.

74 Dyan Mazurana, *We Have Hope: Children, Violence and Resilience*, forthcoming.

75 Valerie Oosterveld, "Forced Marriage during Conflict and Mass Atrocity", in Fionnuala Ni Aolain, Naomi Cahn, Dina Francesca Haynes and Nahla Valji (eds), *The Oxford Handbook of Gender and Conflict*, Oxford University Press, Oxford, 2018.

76 Lakshmi Sundram, "Child Brides in Humanitarian Situations", available at: <https://dihad.org/wp-content/uploads/2017/10/MS-LAKSHMI-SUNDARAM-GIRLS-NOT-BRIDES.pdf>.

77 The top ten countries with the highest prevalence of marriage for boys under 18 are, in order of ranking, the CAR, Nicaragua, Madagascar, Nauru, Honduras, Comoros, the Marshall Islands, the Lao People's Democratic Republic, Cuba and Nepal. See C. M. Gastón, C. Misunas and C. Cappa, above note 64.

As discussed below, research is only just emerging that looks in depth at child marriage in humanitarian settings. These studies are predominately comprised of one-off, small-scale, primarily qualitative research focusing on particular ethnic or geographic populations. The majority of studies to date have been carried out in the Middle East and North Africa region and have focused on child marriage among displaced and refugee communities.

A consistent finding in studies of conflict-affected families and child marriage is that many families who marry off their young girls are doing so in an effort to protect them from real or perceived threats of increased sexual violence because of the conflict. Researchers working with Syrian refugees found that some families that remained in Syria in the early part of the conflict married their daughters to older men or men in the military as a way to try and protect the girls from kidnappings, sexual violence and the Syrian military's bombings. Others married their daughters to different members of the armed groups that controlled their areas to try and protect and gain resources for their girls and the larger family.⁷⁸ Carrying out research in Syria, Jordan and Turkey with Syrians, Care International found that families' concerns about increased sexual violence led them to marry their girls earlier to guarantee their virginity upon marriage and thus, in part, uphold the family's and their girls' perception of honour.⁷⁹ In Sri Lanka, there were reports of parents marrying their girls to try and protect them from being recruited by the Liberation Tigers of Tamil Eelam.⁸⁰ In Somalia, some families married their girls to prevent them from being forced to marry members of Al-Shabaab.⁸¹ In northern Uganda, families encouraged their girls to become "temporary wives" or the second or third wives of soldiers and militia members in order to try to afford their girls and the family additional security, protection from abduction and forced marriage by the rebel force, and access to food, money and other resources.⁸²

As noted throughout the above paragraph, families experiencing armed conflict may also marry their girls in an attempt to maximize resources. They may marry her to lessen the resources they need to give to the girl herself, thus freeing up more resources for their remaining family members. They may also marry her to try to access resources or protection from her husband and his

78 Interview by Dyan Mazurana with researcher Aisha Hutchinson, 27 November 2018, on file with author; Dallin Van Leuven, Dyan Mazurana and Rachel Gordon, "Analysing Foreign Females and Males in the Islamic State in the Levant (ISIL) through a Gender Perspective", in Andrea de Guttery, Francesca Capone and Christopher Paulussen (eds), *Foreign Fighters under International Law and Beyond*, T. M. C. Asser Press, The Hague, 2016.

79 CARE UK, "To Protect Her Honour": *Child Marriage in Emergencies – the Fatal Confusion between Protecting Girls and Sexual Violence*, 2015, available at: <https://insights.careinternational.org.uk/publications/to-protect-her-honour-child-marriage-in-emergencies-the-fatal-confusion-between-protecting-girls-and-sexual-violence>.

80 Shermila Antony Perera, *Post War Trends in Child Marriage: Sri Lanka*, Fokus Women, Oslo, 2015.

81 Human Rights Watch, *No Place for Children: Child Recruitment, Forced Marriage, and Attacks on Schools in Somalia*, 2012, available at: www.hrw.org/sites/default/files/reports/somalia0212ForUpload.pdf; interview with researcher Phoebe Donnelly, 13 August 2018.

82 Adam Branch, *Displacing Human Rights: War and Intervention in Northern Uganda*, Oxford University Press, Oxford and New York, 2011.

family for their larger family, as is noted in research regarding Syrian refugees marrying their girls to men in Jordan and Lebanon⁸³ and in South Sudan.⁸⁴

However, girls are not safer in child marriages, as many are married to men a decade or more older than them and experience powerlessness, sexual violence and other forms of abuse within their marriages.⁸⁵ In some countries where polygamy is practiced, these girls are often made to serve both their husband and the older wives in household, subjecting them to more abuse.⁸⁶ Girls in both Syria and Afghanistan have been documented attempting suicide or succeeding in killing themselves as a means to escape their violent husbands and dehumanizing marriages.⁸⁷

To date, only one study by UNICEF and the International Center for Research on Women has carried out comparative research on child marriage in humanitarian and development settings. The study was carried out in Egypt, Jordan, Lebanon, Morocco, Sudan and Yemen, and highlighted four factors influencing child marriage in humanitarian settings. First, the study found that girls with limited freedom of movement that hinders their ability to go to school or contribute to household livelihoods are seen as a burden on the family. Furthermore, in locations where the family itself is confined to camps or legally unable to work, pressure mounts to find other ways to access resources and opportunities; here, marrying their girls may be a way for family members to open up resources and opportunity. Second, social and cultural functions that enforce social gender roles for girls to marry and produce children may be strengthened where families feel pressure to uphold cultural values and notions of family honour, and to continue their cultures. Third, where key service provisions are lacking, girls appear more likely to be married. Where girls and their family members have access to school and access to legal services and redress, it appears the practice of child marriage may decrease. Finally, the study noted legal gaps, including lack of birth registration, that enable parents to exaggerate the age of the child, and laws that permit girls to be married with parental permission. The report stressed the urgent need for coordination among local, national and international actors to generate knowledge through research and programmatic interventions in order to prevent and respond to child marriage.⁸⁸

83 CARE UK, above note 79.

84 Human Rights Watch, “*This Old Man Can Feed Us, You Will Marry Him*”: *Child and Forced Marriage in South Sudan*, New York, 2013, available at: www.hrw.org/report/2013/03/07/old-man-can-feed-us-you-will-marry-him/child-and-forced-marriage-south-sudan.

85 UNICEF, *Child Marriage in Humanitarian Settings: Spotlight on the Situation in the Arab Region*, UNICEF MENARO, UNFPA ASRO, CARE, TDH, WRC and University of Bedfordshire, 2018, available at: <https://www.unicef.org/mena/sites/unicef.org.mena/files/2018-08/CM%20in%20humanitarian%20settings%20MENA.pdf>

86 Human Rights Watch, above note 84.

87 Anita Raj, Charlemagne Gomez and Jay G. Silverman, “Driven to a Fiery Death: The Tragedy of Self-Immolation in Afghanistan”, *New England Journal of Medicine*, Vol. 358, No. 21, 2008; Lisa Khoury, “Forced into Abusive Marriages, Syrian Child Brides Increasingly Turn to Suicide”, *The Times of Israel*, 1 August 2018.

88 UNICEF, *A Profile of Child Marriage in the Middle East and North Africa*, 2019, available at: <https://www.unicef.org/mena/reports/profile-child-marriage>. Another comparative research programme is under way between the Women’s Refugee Commission and Johns Hopkins University. Research was carried out in Ethiopia, Myanmar and Lebanon; results will be available in 2020 and 2021.

The UN and international non-governmental organizations (INGOs) are leading the way in research on child marriage among refugees and the displaced; rigorous academic and scholarly studies, which are discussed below, are only now emerging. The conditions families experience in refugee and internally displaced persons' camps or in urban settings where these populations settle can contribute to increasing girls' likelihood of being married.⁸⁹ Research with displaced conflict-affected populations in Lebanon, Malaysia, India and Indonesia (Rohingya girls), and northern Cameroon and Nigeria finds that loss of assets and livelihoods, inability to find paid employment, increase in debt, reduced incomes and increased seclusion of girls (leading to their inability to contribute to household livelihoods) can lead families to see child marriage as a way to meet their needs.⁹⁰

As detailed here, there is an important body of knowledge being built around the situation of Syrian girls fleeing the war in Syria. Studies in Turkey, Syria and Jordan have found that displacement due to armed conflict increases Syrian girls' vulnerability to child marriage. In particular, resources are lost or drained, families are split apart, and social and family protection networks fray. At the same time, there is increased insecurity, including the risk of sexual violence, which prompts some families to look to child marriage to protect their girls, their perception of their family honour and themselves.⁹¹

An earlier study by UNICEF tracked child marriages registered in *shari'a* courts in Jordan over the time period of 2005–13.⁹² Combining quantitative and qualitative data, this study established an important baseline for prevalence of child marriages. It also disaggregated among nationalities. It captured the arrival and increase of child marriages among Syrian girls fleeing from Syria's war, and it recorded the increase in child marriage among Syrian girls and Jordanian men over time. The study enabled a more detailed look at marriage of Syrian girls than previously existed, producing important findings on the prevalence of child marriage, the difference in ages of the bride and groom, and the impact on girls' education, reproductive health, and physical and mental well-being. The study was widely reported on in the media and resulted in an upsurge in media and policy attention to child marriage in the Syrian conflict.⁹³ It is an example of the importance of solid research and is today a cornerstone of research developing on

89 *Ibid.*; ICRC, *Displaced in Cities: Experiencing and Responding to Urban Internal Displacement Outside Camps*, available at: <https://tinyurl.com/vbqsfev>.

90 Girls Not Brides, "Child Marriage in Humanitarian Settings", 2018, available at: www.girlsnotbrides.org/wp-content/uploads/2016/05/Child-marriage-in-humanitarian-settings.pdf.

91 *Ibid.*

92 UNICEF, *A Study on Child Marriage in Jordan*, 2014, available at: <https://reliefweb.int/report/jordan/study-early-marriage-jordan-2014>. This study includes specific data related to Syria's refugees.

93 See, for example, "Child Marriage Soars Among Syrian Refugees in Jordan", *The Guardian*, 16 July 2014, available at: www.theguardian.com/global-development/2014/jul/16/child-marriage-syria-refugees-jordan; "The Trauma of Syria's Married Children", *Al Jazeera*, 23 July 2014, available at: www.aljazeera.com/humanrights/2014/07/trauma-syria-married-children-201472214545541515.html; "Child Marriage Shows No Sign of Abating in Jordan, UNICEF Study Shows", UNICEF press release, 16 July 2014, available at: www.unicef.org/media/media_74290.html; "Too Young to Wed: The Growing Problem of Child Marriage among Syrian Girls in Jordan", *ReliefWeb*, 17 July 2014, available at:

child marriage in the Syrian crisis. However, the study was unable to capture child marriages that were not registered; thus, we know little about what is happening with girls inside unregistered marriages and how they compare to registered marriages.

Mourtada *et al.* carried out a qualitative study among Syrian refugees in Lebanon to investigate recent reports suggesting that child marriage had increased among Syrians as a result of displacement and conflict. While child marriage was a common practice in pre-conflict, rural Syria, the study found that new factors were contributing to an increased risk of marriage for Syrian girl refugees in Lebanon. Key factors increasing this risk included conflict- and displacement-induced safety concerns, deteriorating economic conditions, and interrupted education. The study also recorded changes in marriage practices, including a briefer engagement period, reduced bride price, modifications in marrying cousins and a lowering of girls' age at marriage.⁹⁴

A study by Bartels *et al.* sought to understand the factors driving child marriage among Syrians in Lebanon. These researchers collected and analyzed the narratives of approximately 1,400 adolescent Syrian girls and boys who sought refuge from the Syrian war in Lebanon. Bartels *et al.*'s study is particularly interesting in that it found significant differences in narratives of child marriage among female and male participants, with females focusing on safety and education and feeling girls were overprotected and stifled, while males spoke more about financial concerns and said that more should be done to protect their vulnerable females, which linked directly to marrying off their girls:

Syrian girls and mothers were more likely to share stories about protection/ security and/or education and were more likely to report that girls were overprotected. Male participants were more likely to share stories about financial security as well as sexual exploitation of girls and more often reported that girls were not protected enough.⁹⁵

These findings highlight the fact that the gender of the respondent significantly influences an understanding of the drivers of child marriage and the impact those drivers have on the lives of Syrian girl refugees.

A study carried out in 2019 in conflict-affected areas of South Sudan found that households that married off a child under age 18 in the previous twelve (at baseline) or six (at endline) months reported increased social capital after marrying off children. They found that child marriage was most prevalent among internally displaced persons (IDPs) living with a host community, in comparison to IDPs living in a camp setting or local residents (i.e., non-displaced persons).

<https://reliefweb.int/report/syrian-arab-republic/too-young-wed-growing-problem-child-marriage-among-syrian-girls-jordan-0>.

94 Rima Mourtada, Jennifer Schlecht and Jocelyn DeJong, "A Qualitative Study Exploring Child Marriage Practices among Syrian Conflict-Affected Populations in Lebanon", *Conflict and Health*, Vol. 11, Suppl. 1, 2017.

95 Susan Andrea Bartels *et al.*, "Making Sense of Child, Early and Forced Marriage among Syrian Refugee Girls: A Mixed Methods Study in Lebanon", *BMJ Global Health*, Vol. 3, No. 1, 2018.

Furthermore, a recent marriage of a child under the age of 18 was associated with a greater number and diversity of social connections as well as total resources accumulated through those social connections. In addition, if a household reported that a child was married between the baseline and endline, their number of social connections significantly increased. These findings imply that child marriage may be an important coping strategy used by IDP households living amongst the host community to increase their social capital and, as such, their access to critical resources—but this strategy appears less relevant in camp settings.⁹⁶

Finally, within the research on child marriage and displacement, there are very few studies on child marriage and repatriation. However, in one study with Afghan refugee families who returned to Afghanistan or settled in Pakistan, researchers found that children who are not in school are at increased risk of marriage compared to those who are enrolled in school.⁹⁷

Child marriage by fighting forces and armed groups

One notable exception to our lack of robust knowledge on child marriage in humanitarian settings is information on girls forcibly married into fighting forces and groups. The most current examples of this form of child marriage include girls taken by Boko Haram and forced to become the wives of fighters, Yazidi girls abducted by Islamic State (IS) fighters and supporters who were sold as sexual slaves (to the extent to which this form of sexual slavery also consisted of forced marriage), and Somali girls forced to be wives to Al-Shabaab fighters.⁹⁸

For nearly twenty years academics and practitioners have undertaken substantial quantitative, qualitative, mixed-methods and comparative research detailing girls' entry into forced marriages with armed actors, they and their children's experiences within these relationships, and the experiences of girls, young women and their children upon leaving these relationships. Research with these populations has been conducted in Colombia, Liberia, Iraq, Mozambique, Nepal, Nigeria, Rwanda, Sierra Leone, South Sudan, Sudan, Syria and Uganda.⁹⁹

96 Roxani Krystalli, Elizabeth Stites, Alex Humphrey and Vaidehi Krishnan, *The Currency of Connections: The Impact of Weddings and Rituals on Social Connections in Bentiu, South Sudan*, Feinstein International Center, Tufts University, September 2019, available at: <https://fic.tufts.edu/publication-item/the-currency-of-connections-the-impact-of-weddings-and-rituals-on-social-connections/>.

97 Girls Not Brides, above note 90.

98 Human Rights Watch, "Iraq: Forced Marriage Conversion for Yezidis: Victims, Witnesses Describe Islamic State's Brutality to Captives", 11 October 2014, available at: www.hrw.org/news/2014/10/11/iraq-forced-marriage-conversion-yezidis; Stephanie Sinclair, "Child, Bride, Mother: Nigeria", *New York Times*, 27 January 2017, available at: www.nytimes.com/interactive/2017/01/27/sunday-review/29Exposures-child-bride-interactive.html; Hilary Matfess, *Women and the War on Boko Haram: Wives, Weapons, Witnesses*, Zed Books, New York and London, 2015; Human Rights Watch, above note 81.

99 A by no means exhaustive list of research includes Human Rights Watch, "Iraq: Forced Marriage Conversion for Yezidis", above note 98; S. Sinclair, above note 98; Annie Bunting, Benjamin N. Lawrance and Richard L. Roberts, "Introduction: Something Old, Something New?", and Stacy Hynd, "To Be Taken as a Wife Is a Form of Death", in Annie Bunting, Benjamin N. Lawrance and Richard L. Roberts (eds), *Marriage by Force? Contestation over Consent and Coercion in Africa*, Ohio University Press, Athens, OH, 2016; Jeannie Annan, Christopher Blattman, Christopher Carlson and

While contexts vary, on the whole researchers find that girls are often forced into these relationships, entering through coercion and ensuing captivity. In such cases, forced marriage overlaps with the crime of forced recruitment of children. For girls who enter into child marriage this way, they, their families and their communities often do not consider these relationships valid. In some cases, the girls are considered polluted by these relations. Other girls may “willingly” take a fighter husband as a means to try to ensure their own or their family’s security and access to food and shelter. Once inside these relationships, girls perform many essential roles for the fighting group or force. They are also required to assume the conjugal roles of monogamous sexual relations, child bearing and rearing, house-making and housekeeping, and the status of a “wife”. Indeed, these components were essential to the development of international jurisprudence on the crime of forced marriage, first seen in the Special Court for Sierra Leone¹⁰⁰ and most recently prosecuted by the ICC in *The Prosecutor v. Dominic Ongwen*, concerning a top commander within the Lord’s Resistance Army (LRA).¹⁰¹

Importantly, studies show that those who have been forcibly married and have children born of war-related sexual violence experience both more and different challenges than those who do not. Most girls forcibly married into

Dyan Mazurana, “Civil War, Reintegration, and Gender in Northern Uganda”, *Journal of Conflict Resolution*, Vol. 55, No. 6, 2011; Evelyn Amony, *I Am Evelyn Amony*, University of Wisconsin Press, Madison, WI, 2015; Teddy Atim, Dyan Mazurana and Anastasia Marshak, “Women Survivors and Their Children Born of Wartime Sexual Violence in Northern Uganda”, *Disasters: The Journal of Disaster Studies, Policy and Management*, Vol. 42, Suppl. 1, 2018; Susan McKay and Dyan Mazurana, *Where are the Girls? Girls in Fighting Forces in Northern Uganda, Sierra Leone, and Mozambique: Their Lives During and After War*, International Centre for Human Rights and Democratic Development, Montreal, 2004; M. Bergsmo, A. B. Skre and E. J. Wood (eds), above note 26; Neha Jain, “Forced Marriage as a Crime against Humanity: Problems of Definition and Prosecution”, *Journal of International Criminal Justice*, Vol. 6, No. 5, 2008; Chris Coulter, *Bush Wives and Girl Soldiers: Women’s Lives Through War and Peace in Sierra Leone*, Cornell University Press, Ithaca, NY, 2009; Khristopher Carlson and Dyan Mazurana, “Forced Marriage within the Lord’s Resistance Army, Uganda”, Feinstein International Center, Medford, MA, May 2008; Erin Baines, “Forced Marriage as a Political Project: Sexual Rules and Relations in the Lord’s Resistance Army”, *Journal of Peace Research*, Vol. 51, No. 3, 2014; Erin Baines, *Buried in the Heart: Women, Complex Victimhood and the War in Northern Uganda*, Cambridge University Press, Cambridge, 2017; Megan Mackenzie, *Female Soldiers in Sierra Leone: Sex, Security, and Post-Conflict Development*, New York University Press, New York, 2012; Reed M. Wood and Jakana L. Thomas, “Women on the Frontline: Rebel Group Ideology and Women’s Participation in Violent Rebellion”, *Journal of Peace Research*, Vol. 54, No. 1, 2017; Zoe Marks, “Sexual Violence Inside Rebellion: Policies and Perspectives of the Revolutionary United Front of Sierra Leone”, *Civil Wars*, Vol. 15, No. 3, 2013; Clémence Pinaud, “Military Kinship, Inc.: Patronage, Inter-Ethnic Marriages and Social Classes in South Sudan”, *Review of African Political Economy*, Vol. 43, No. 148, 2016. For details on sex with fellow armed group members outside marriage in the contexts of El Salvador and Colombia, see Jocelyn Viterna, *Women in War: The Micro-Processes of Mobilization in El-Salvador*, Oxford University Press, Oxford, 2013; Keith Stanski, “Terrorism, Gender, and Ideology: A Case Study of Women Who Join the Revolutionary Armed Forces of Colombia (FARC)”, in James J. F. Forest (ed.), *The Making of a Terrorist: Recruitment, Training, and Root Causes*, Vol. 1: *Recruitment*, Praeger Security International, Westport, CT, 2006.

100 The Special Court of Sierra Leone Appeals Chamber has defined forced marriage as “a situation in which the perpetrator through his words or conduct, or those of someone for whose actions he is responsible, compels a person by force, threat of force, or coercion to serve as a conjugal partner resulting in severe suffering, or physical, mental, or psychological injury to the victim”.

101 ICC, *The Prosecutor v. Dominic Ongwen*, Case No. ICC-02/04-01/15.

armed forces and groups who return with children will never enter or re-enter schooling, and they remain largely uneducated and poor.¹⁰²

Research also finds that the majority of these girls, and their children produced from these forced marriages, are rejected by their families and communities upon their return. The reasons for rejection include a combination of being perceived as polluted, out of social harmony or possessed by evil spirits; an economic burden to the family; and a potential economic threat to the land and inheritance of the other male children in the family.¹⁰³ Studies in northern Uganda find that even upon return from captivity and years after the conflict has ended, these girls and their households are significantly more likely to be victims of a range of crimes committed by family and community members because of the stigma attached to them and their low social status.¹⁰⁴

Children born to girls married to members of fighting forces and armed groups

While there is a strong body of literature on girls married into armed forces and groups, gaps in knowledge remain regarding children born as a result of these marriages. Insisting on the need to protect children from rape and sexual violence in armed conflict and post-conflict situations, UN Security Council Resolution 2122 specifically notes “the need for access to the full range of sexual and reproductive health services, including regarding pregnancies resulting from rape, without discrimination”.¹⁰⁵ During the last decade alone, it is estimated that tens of thousands of children have been born worldwide as a result of forced marriages and child marriages to members of fighting forces and armed groups.¹⁰⁶

Only a handful of researchers in the world have carried out in-depth fieldwork with the children born of these relationships, their mothers and their communities, most notably in Bosnia, Mozambique, northern Uganda, Rwanda and Sierra Leone. The evidence suggests that regardless of the nature of the parents’ sexual relationship (forced, survival sex, consensual), many of these children are stigmatized, discriminated against, abused, abandoned by family members, and denied basic rights and access to services such as health care and education. In some cases, children may be beaten or starved to death by family members frustrated at their parentage.¹⁰⁷ These children are routinely denied

102 J. Annan *et al.*, above note 99; E. Amony, above note 99; T. Atim, D. Mazurana and A. Marshak, above note 99; S. McKay and D. Mazurana, above note 99.

103 Holly Porter, *After Rape: Violence, Justice and Social Harmony in Uganda*, Cambridge University Press, Cambridge, 2017; T. Atim, D. Mazurana and A. Marshak, above note 99; Kimberly Theidon, “Hidden in Plain Sight: Children Born of Wartime Sexual Violence”, *Current Anthropology*, Vol. 56, Suppl. 12, 2015.

104 T. Atim, D. Mazurana and A. Marshak, above note 99.

105 UNSC Res. 2122, UN Doc. S/RES/2122, 18 October 2013, available at: <http://unscr.com/en/resolutions/doc/2122>.

106 Charli Carpenter (ed.), *Born of War: Protecting Children of Sexual Violence Survivors in Conflict Zones*, Kumarian Press, San Francisco, CA, 2007; T. Atim, D. Mazurana and A. Marshak, above note 99.

107 T. Atim, D. Mazurana and A. Marshak, above note 99; C. Carpenter (ed.), above note 106; Myriam Denov and Antonio Piolanti, “Mothers of Children Born of Genocidal Rape in Rwanda: Implications for Mental

membership of their mother's family and community.¹⁰⁸ This exclusion demonstrates one of the most profound intergenerational consequences of wartime child marriages: the loss of identity and social exclusion experienced by the resulting children. This exclusion is compounded by their father's perpetrator status, their perceived association with the armed group, and the shame and "pollution" surrounding rape.¹⁰⁹ The accumulation of these factors may give rise to grave abuses and crimes against these mothers and their children throughout their lives.¹¹⁰

Important research in northern Uganda working directly with children born of forced marriages to rebel LRA fighters finds that the children prefer their treatment during war and in captivity to their experiences of so-called "post-conflict" and "peace". What the children born of war rape inside the LRA remembered was that their fathers were present and attentive to their needs. Their fathers protected them; their fathers provided for them. Post-conflict and back in their mother's community, they experienced rejection, abuse and deliberate deprivation by people who were supposed to care for them.¹¹¹ However, there are some cases, most notably in Mozambique and Bosnia, in which these children and their mothers appear to be accepted by their families and communities, and more knowledge is needed on these cases.¹¹²

Child widows and child brides whose husbands have left, been detained or disappeared

Almost no research has been specifically conducted on child widows. The authors found no research at all conducted specifically on child brides whose husbands have left to fight or to seek refuge internally or across borders, or who have been detained or disappeared in conflict and humanitarian settings. An important and rare study by Watson addresses this population in its larger findings, however.

- Health, Well-Being and Psycho-Social Support Interventions", *Health Care for Women International*, Vol. 40, No. 7–9, 2019; Myriam Denov and Atim Angela Lakor, "When War is Better Than Peace: The Post-Conflict Realities of Children Born of Wartime Rape in Northern Uganda", *Child Abuse & Neglect*, Vol. 65, 2017; K. Theidon, above note 103.
- 108 Michael Goodhart, "Sins of the Fathers: War Rape, Wrongful Procreation, and Children's Human Rights", *Journal of Human Rights*, Vol. 6, No. 3, 2007; Myriam Denov, Leah Woolner, Jules Pacifique Bahati, Paulin Nsuki and Obed Shyaka, "The Intergenerational Legacy of Genocidal Rape: The Realities and Perspectives of Children Born of the Rwandan Genocide", *Journal of Interpersonal Violence*, May 2017.
- 109 T. Atim, D. Mazurana and A. Marshak, above note 99; Charli Carpenter, *Forgetting Children Born of War: Setting the Human Rights Agenda in Bosnia and Beyond*, Columbia University Press, New York, 2010; C. Carpenter (ed.), above note 106; H. Porter, above note 103; M. Denov and A. A. Lakor, above note 107.
- 110 T. Atim, D. Mazurana and A. Marshak, above note 99.
- 111 M. Denov and A. A. Lakor, above note 107.
- 112 Dyan Mazurana, "The Role of Spirituality and Ritual in the Acceptance of Children Born of Conflict-Related Sexual Violence", in Kimberly Theidon and Dyan Mazurana (eds), *Challenging Conceptions: Children Born of Wartime Rape and Sexual Exploitation*, Rutgers University Press, forthcoming; Tatjana Takseva, "'Where Would You Send the Pain?' Agency and Resilience in Three Children Born of War in Bosnia and Herzegovina", in Kimberly Theidon and Dyan Mazurana (eds), *Challenging Conceptions: Children Born of Wartime Rape and Sexual Exploitation*, Rutgers University, forthcoming.

Watson finds that armed conflict and disaster contribute to the widowing of child brides, who are among the most vulnerable of widows. Child widows' vulnerability comes in part because they are immature and struggle to handle the psychosocial, economic, cultural, legal, labour and child-rearing implications of the death of their adult husbands. Furthermore, child widows are often denied inheritance rights, and property is often taken by their brothers or brothers-in-law. They lose control of their children. They are evicted from their homes and land. They are exploited by family and community members. They are vulnerable to sexual exploitation and abuse. Data on child brides whose husbands have left to fight or to seek refuge internally or across borders, or who have been detained or disappeared in humanitarian settings, is almost never collected in humanitarian or development settings.¹¹³ However, these child brides should be considered important populations about whom more information and informed response are needed within conflict and humanitarian settings.

Context matters

As demonstrated in the review of studies presented above, one of the most consistent findings from both the emerging body of literature on child marriage in conflict and the interviews with experts and practitioners carried out by and on file with the authors is the primacy of the context of the conflict or crisis in shaping child marriages. The literature and experts stress that child marriage in armed conflict trends, drivers, and push and pull factors vary greatly based on context, the moment of time within a conflict or crisis, and how communities and individual families are coping with insecurity and shocks. Hence, what is learned from one context (or community or household) may not apply to another context (or community or household). Additionally, what was true at one point in the conflict or crisis regarding child marriage may not hold true for a past or future point in time for the same conflict or crisis.

Another important finding from the literature and the authors' interviews with experts is the range of key contextual factors that can influence families' and girls' and boys' decisions around child marriage, as well as the prevalence and incidence of child marriage. Specifically, these factors include security risks and threats, food security, assets and wealth, livelihood options, health and nutrition, education levels, spatial mobility and freedom of movement, experience of shocks and crimes, and coping strategies. Individuals' own intersectional identities also play a role, particularly gender, age, nationality, ethnicity, class/caste, religion, disability and urban or rural status. Influences also include larger gendered societal, economic, security, religious, and psychosocial factors that families are experiencing during and as a result of armed conflict.

113 Mohinder Watson, *Millions of Child Widows Forgotten, Invisible and Vulnerable*, Action on Child, Early and Forced Marriage, 9 July 2018, available at: http://actiononchildearlyandforcedmarriage.org/wp-content/uploads/2018/08/ChildWidowsReport_2018_Mohinder_Watson.pdf.

Child marriage during climate change and natural disaster

As detailed below, there are only a handful of academic and INGO studies that specifically explore the links between climate change and natural disaster and the marriage of children. At present there is a significant lack of rigorous study on this topic, and thus there are large gaps in our knowledge. Based on the few academic and INGO studies that exist, findings suggest that in contexts where marriage is an economic transaction or a strategy to improve capital accumulation (e.g., through dowry or bride price systems),¹¹⁴ more climate crises – drought, tsunami, flooding, earthquakes – result in increases in families' economic hardship, thus potentially increasing the use of child marriage as a negative coping strategy. These increased economic hardships are believed to lead to higher rates of child marriage, as well as a driving down of the age of child brides, as found in research in Aceh, Bangladesh, India, Indonesia, Mozambique, Nepal, Somaliland and Sri Lanka.¹¹⁵ In some cases, however, climate crises may result in fewer child marriages, as found in a study of drought in Ethiopia (a country with among the world's highest rates of child marriage). In this study, drought caused a reduction in Somali refugees' ability to provide for a wedding and thus resulted in a decrease in child marriage.¹¹⁶ Again, context matters deeply for understanding what is happening, and why, with regard to child marriage in conflict and humanitarian settings.

What we need to know

What knowledge is needed to address child marriage in conflict settings?

On 12 November 2018, the UN General Assembly passed a resolution on “Child, Early and Forced Marriage”. As part of this resolution, the General Assembly highlighted the

need for States to improve the collection and use of quantitative, qualitative and comparable data on violence against women and harmful practices, disaggregated by sex, age, disability, civil status, race, ethnicity, migratory status, geographical location, socioeconomic status, education level and other key factors, as appropriate, to enhance research and dissemination of evidence-based and good practices relating to the prevention and elimination

114 Systems of exchange play important roles in marriage practices throughout the world, and bridewealth (also known as bride price) and dowry are two key systems of exchange that involve the transfer of goods or services between the husband and his kin to the family of the bride (see A. Bunting, B. N. Lawrance and R. L. Roberts, above note 99). The bridewealth payment is framed as an exchange for the bride's productive and reproductive labour as part of the marriage. Bunting *et al.* explain: “Bridewealth was a strategic investment that built and maintained webs of kinship and organized and controlled labor” (*ibid.*, p. 17). While dowry and bridewealth are part of similar systems, dowry is provided by the bride's kin to the groom and “is a means to enhance the attractiveness of a bride in marriage” (*ibid.*, p. 18).

115 Girls Not Brides, above note 90.

116 *Ibid.*

of child, early and forced marriage and to strengthen monitoring and impact assessment of existing policies and programmes as a means of ensuring their effectiveness and implementation.¹¹⁷

The General Assembly also called on relevant UN bodies, regional organizations, international financial institutions, civil society and other key stakeholders to work together with States and their national statistical agencies to build capacity for data and reporting on progress to end child and forced marriage. Finally, the General Assembly called on the Secretary-General to submit a comprehensive, evidence-based report on progress to end child, early and forced marriage, including gaps in research and data collection.¹¹⁸

Almost without exception, every published report and study, and every person interviewed for this article, noted the urgent need to build a robust body of knowledge on the subject of child marriage in conflict and humanitarian settings. While the current studies are invaluable, the reality that child and forced marriage is significantly shaped by a wide variety of factors, context, and changes over time necessitates a larger, more rigorous body of context-specific and comparative evidence to inform response.

The reality is that most aspects of child marriage in conflict and humanitarian settings are significantly under-studied. Much of what we know is based on a handful of important but limited one-off studies, the observations of field practitioners and researchers, and anecdotal findings or hypotheses that remain untested. The lack of a rigorous body of evidence, comparative research, and research that tracks changes over time on child marriage in conflict and humanitarian settings leaves practitioners, policy-makers and scholars with more questions than answers.

Based on our review and analysis of the findings to date, the authors conclude that it would be helpful to have context- and time-specific and gender- and age-disaggregated information in the following areas where children and their families are affected by armed conflict:

- Both the prevalence and incidence¹¹⁹ of child marriage at country, regional and subregional levels, and among particular communities.
- How changes in a range of factors may significantly affect a family's, girl's or boy's decision to reject or accept child marriage. These factors could include security, insecurity, gender inequality, views on pregnancy out of wedlock, traditions of child marriage, access to continuous quality education, access to quality health services including reproductive health services, livelihoods, livelihood opportunities, assets and wealth, debt, poverty, food security, freedom of movement, experience of a range of shocks and crimes (including sexual and gender-based violence) and displacement.

117 UNGA Res. A/C.3/73/L.22/Rev.1, above note 52.

118 *Ibid.*

119 Prevalence is the proportion of cases in the population at a given time and indicates how widespread child or forced marriage is in the population. Incidence is the occurrence of new cases over a set amount of time (usually months or a year) and can provide information about the risk of child or forced marriage and the rate of occurrence of new cases.

- How families decide to protect their girls from child marriage, or how and why they decide to accept or pursue the marriage of their girls or boys.
- Decision-making processes in households and families around rejecting or pursuing child marriage for both girls and boys.
- The ability of girls and boys to negotiate within these spaces, or when and why they may reject or pursue marriage.
- How best to anticipate and mitigate the risks, threats and vulnerabilities faced by these child brides and grooms and their families, and how these risks, threats and vulnerabilities change over time.
- How to promote these children's (and if they are married, eventually their own children's) well-being, rights and acceptance in their families and communities.
- What happens to these girls and young women, and their children, when they are widowed, left or abandoned, or when their husbands are detained or disappeared, as many are likely to be in situations of armed conflict, major natural disasters and/or displacement.

Scholars, policy-makers and practitioners need a better understanding of the different drivers and impacts that arise in sudden and slow-onset natural disasters as opposed to conflict settings. What are the differences between IDP settings and refugees? Within refugee and IDP settings, are there differences in camp settings compared to host community influxes?

What is clear from our review of the literature and interviews with key informants is that understanding and addressing child marriage in conflict and humanitarian settings requires the coordinated development, among key stakeholders seeking to prevent and address child marriage, of common data collection tools that can both deliver snapshots in time and be collected over time and with greater frequency than is currently occurring. There is a need for data collection on prevalence, incidence, trends, drivers, push and pull factors, decision-making processes and consequences. There is a need to collect data on children at risk of child marriage, those already married, those with children of their own, and those who are widowed. It is also important to collect data on what is happening to the children born of child marriages.

Furthermore, the data collection tools need to be nuanced enough to capture contextual influences and differences (if any) among child marriages, including formal and informal marriages, marriages to armed actors, child widows, and, where possible, child brides whose husbands have left to fight, or to seek refuge internally or across borders, or who have been detained or disappeared. The data collection tools need to produce data that provides users with a more sophisticated contextual understanding of child marriage in the settings where they are working. And, in order for us to understand how child marriage may differ or be similar in different settings, the data need to be comparable among conflict, disaster, refugee and development contexts. In summary, such data would be extremely useful for prevention and response planning regarding child marriage in conflict and crisis settings, and should be compiled in a way that allows disaggregation in enough detail for the tailoring of programme design.