

# Child marriage and child prostitution: two forms of sexual exploitation

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*This article highlights some of the similarities between child marriages and child prostitution. Both child marriage and prostitution involve economic transactions, lack of freedom, and the violation of a child's right to consent. This is often exacerbated by social and economic vulnerabilities of children linked to limited life options. In order to capture much of the ongoing discussion and debate taking place in North Africa and the Middle East, this article draws on anecdotal evidence, limited research samples, communication with local actors, and the author's own personal experiences in the region. It also discusses some initiatives undertaken by a range of institutions with the aim of preventing these practices.*

The countries in North Africa and the Middle East differ markedly in their level of economic development, political climate, degree of secularism, and social structures. However, there are some areas of social life where general attitudes and beliefs are similar in many countries. Child marriages and child prostitution are two such areas.

Traditionally, child marriages and child prostitution have been regarded as being in moral opposition to each other. While early marriages have been respected and valued as desirable and honorable, prostitution has been denounced as an absolute disgrace, and in religious circles has usually been condemned as a sin. The honour attached to early marriage has traditionally been linked to its most central purpose: the assurance of virginity at the time of marriage.<sup>1</sup> In addition, early marriage is a way of preventing girls from initiating intimate relations with unfamiliar men. Conversely, child prostitution endorses intimate contact with often unfamiliar men.

## *Shifting attitudes to early marriage*

However, time has dramatically modified these general attitudes such that early marriages in general and child marriage in particular are increasingly frowned upon in many Middle Eastern and North African countries. This change has been manifested in various international statements. The African Charter on the Rights and of the Welfare of the Child, drafted in 1990, states that, 'Child marriage and the betrothal of girls and boys shall be prohibited, and effective action including legislation shall be taken to specify the minimum age of marriage to be 18 years.' The Inter-African Committee on Traditional Practices Affecting the Health of Women and Children states that early marriage is 'any marriage carried out below the age of 18, before the girl is physically, physiologically and psychologically ready to shoulder the responsibilities of marriage and child bearing'.

Not only is child marriage becoming a source of criticism: the discourse of comparing child marriages with child prostitution is also taking a new course.

Increasingly, it is argued that the differences between child marriage and child prostitution are neither as many nor as profound as they were traditionally regarded to be, and that both practices share a number of characteristics. This approach, once promoted by a few, avant-garde NGOs and human rights advocates, is now spreading within the general public, political establishment, and cultural elites.

In October 2001, the government of Morocco held the 'Pan-African Forum Against the Sexual Exploitation of Children' in Rabat. Delegates from 65 countries were amenable to the idea of identifying child marriages in general and forced child marriages in particular as a type of commercial sexual exploitation of children (child prostitution included). Although this approach was primarily espoused by NGOs and human rights lawyers, government representatives were increasingly in agreement with this outlook.

This article outlines ongoing discussions concerning child marriage and child prostitution taking place in North Africa and the Middle East. Due to the sensitivity surrounding the issues, it has been difficult to conduct substantial research, and research studies and estimates are often based on anecdotal evidence and limited samples. As a result, I have chosen to refer only sparingly to statistical data, as they are often inadequate and not absolutely reliable. Instead, I have relied on personal field experiences, and communications with various local actors. As a result of the widespread silence of national legislation on these issues, and their prevalence in social and religious debate, I have chosen to use religious texts and documentation as sources of reference.

### **Economic transactions: beneficiaries and losers**

Prostitution is characterised by an economic transaction, usually between the supplier

and their client. Similarly, child marriages often involve an economic transaction between the client and supplier. This traditional practice is however explicitly prohibited by the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery. Article 1 states the institutions and practices similar to slavery where, 'a woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents {or} guardian family...'

### ***Dowry payments***

In North Africa and the Middle East, the institution of dowry complicates the situation. The Koran states that the husband must pay a '*mahr*' to his future wife. The *mahr* is prevalent in all Muslim marriages, but in marriages between two adults (where there is a higher degree of equality between the partners), it has less significance and is usually channeled through practical arrangements: for example, husbands might buy the flat while wives contribute to interior furnishing and contents. Thus, there is a sense of balance and the *mahr* is reciprocated by the bride's contribution. Mutual contributions to practical items are also common among the Christians in North Africa and the Middle East. In poor areas, however, where child marriage is most prevalent, the dowry becomes of great importance. It turns into a one-way transaction, a clear-cut payment.

With both child marriages and child prostitution, exchanged payments are most frequently received by a third party, and not the girl herself. In child prostitution, the 'owner/employer' of the child usually receives the payment. Normally he or she passes on only a small amount to the girl. In child marriages, a girl usually receives nothing at all. The third party, usually her parents, receives the whole amount. Ironically, the dowry received on the marriage of a daughter is quite often used to pay for the dowry of a son's future bride.

Though national laws do not regulate this kind of payment, the Koraan itself is quite explicit about dowry. Verse 4:004 states, 'And give the *women* {on their marriage} their dower as a free gift, but if they, of their good pleasure, remit any part of it to you, take it and enjoy it with right good cheer.' Clearly, the dowry should be paid to the woman, in this case the child.

### **Siqueh and short-term contract marriages**

The economic transaction in child marriages is more similar to that of child prostitution in the case of short term/short contract marriages. For example, in Iran, a man can marry a female for a short period of time, ranging from hours to months. This system called *siqueh*, was originally put in place to assist war widows who had had no other means of supporting their families. But as the legal age for marriage is 13.8, this practice has actually become a way for men to initiate pseudo-legalised child marriages, that may last for only a few hours.

In Egypt there is a similar phenomenon, which has traditionally been ignored because of its sensitivity. However, last year the Ministry of Social Affairs, in joint efforts with UNICEF, investigated this specific type of child marriage. The study focused on a village near Cairo, which is well known for marrying its young girls to much older men from Arab countries. Usually the men marry these girls for a short period – typically during the summer months – at the end of which the men go back to their countries, where it is very hard to trace them. The girls remain in their villages, and in many cases they give birth to children. The legal age of consent to marriage, which is 16, may be circumvented in a number of ways, including falsifying the girl's age with a doctor's certificate, using the birth certificate of a deceased older sister, or registering the marriage only after the bride has turned 16. A further problem is that in the last decade the phenomenon has taken on a highly

commercial form, as broker markets have emerged for young girls to be contracted into 'marriage' to wealthy men from the Arab Gulf countries. The agents operate undercover, introducing the families of prospective brides to their future husbands, whereupon a contract is drawn between the two parties. Since the marriage is illegal it is not registered, the main point of negotiation being the amount of the *mahr* (dowry). These women's social and economic status does not improve after marriage. They often find out that their principal role is to serve the other wives of the wealthy man, or they are left to fend for themselves and any resulting children after their husband disappears when the summer vacation is over (Tilgay and Sarhan 2001).

The Ministry of Social Affairs conducted a study in the summer of 2001 with 35 women in Badrashen and Hawamdeya, two districts in the municipality of Giza. In these two districts, broker markets are well established. The figures – which are not representative for Egypt as a whole, because of the remoteness of these districts – show that of the 35 women interviewed, 46 per cent had married before they were 16, 29 per cent of whom married a husband aged over 55.

### **Abduction and temporary marriage**

In countries where there are conflicts, child marriages sometimes take the form of a combination of child prostitution and pure slavery. In Algeria, Sudan, and Chad, young women have been abducted by militias or gangsters and are subjected to sexual abuse and violence in what the kidnappers call 'temporary marriages'. In fact, this is a form of slavery in which the girls have no rights whatsoever. However, these acts are also condemned by the Koraan which states in verse 24: 033: '... and if any of you slaves ask for a deed in writing {to enable them to earn their freedom for a certain sum} give them such a deed if ye know any good in them... but force not your maids to prostitution when they desire chastity...'.

## **Lack of consent: powerlessness and violation of rights**

Very few girls are informed of where they are heading, when they are brought into prostitution. Those that have some kind of idea of the impact it will have on their lives are usually very reluctant. Girls are not given the opportunity to give their consent or otherwise in a decision that will affect their entire life. Similarly, in child marriages, girls are usually not given a chance to give their consent. This is instead given by their parents.

Few parents seek intentionally to harm their children; usually the lack of the child's consent is justified by reference to a general belief that parents know best in these matters. But this kind of argument can only work where adult daughters have excellent communication and friendly relationships with their parents. In this situation, parents as well as friends and others can offer substantial advice. However, in child marriages, which most often occur in poor areas where parents are responsible for a great number of children, the child bride-to-be may be just one of many children and not a priority. More importantly, at the age of 12 or 14 – when most girls are neither physically nor psychologically mature for childbearing – no man whomsoever is suitable.

Denying children the right to consent to marriage is a violation of their rights and a crime according to several international declarations. Article 16 of the 1948 Universal Declaration on Human Rights states that 'Marriage shall be entered into only with free and full consent of the intending parties.' Article 1 of the 1964 Convention on Consent to Marriage, Minimum age of Marriage and Registration of Marriage, states that, 'No marriage shall be legally entered into without the full and free consent of both parties, such consent to be expressed by them in person as prescribed by law.' Moreover, article 16.1 of the 1979

Convention on the Elimination of All Forms of Discrimination against Women prescribes for both men and women an equal right to enter marriage, choose a spouse, and enter marriage only with their free and full consent. Finally, the Convention of the Rights of the Child – which has been ratified by all Middle Eastern and North African countries – stresses 'the right of children to have their views taken into account in matters that concern them'.

The national legislation of the countries in the Middle East and North Africa is generally lacking in terms of the protection of the right to consent to marriage. However, since religious authorities are often more highly regarded and respected than legal instruments, they are in a position to use their power of influence with reference to verse 4:019 in the Koraan. 'O ye who believe! Ye are forbidden to inherit women against their will.'

Involving a girl in a marriage without her consent can have dramatic effects on her entire life and all her future prospects to become an equal decision maker in the home. The lack of her consent gives a signal to her husband and to society as a whole that her opinion is unimportant.

## **Lives of bondage**

Child prostitutes worldwide are often bonded to their owner or employer. Children's vulnerability means that their freedom to choose whether to stay or leave is extremely restricted. In most cases, the child is seen as a possession or object that has been bought and is therefore not entitled to liberty. This kind of bondage is further intensified in contexts where extreme social stigma is associated with prostitution. In other regions such as Asia or Latin America, some children are engaged in prostitution yet still maintain a relationship with their family, often because of the child's role as a family supporter and financial contributor. In the Middle East,

however, this is exceptionally rare. A child engaged in prostitution is deprived of all ties to their community, rejected by their family, and is left with few or no options other than to stay in prostitution.

Similarly, when a girl has been given away as a bride, she is considered to be her husband's possession and bonded for life. This is particularly the case in societies where considerable stigma attaches to divorce. Some North African and Middle Eastern countries, such as Egypt and Tunisia, give girls the right to divorce, but in reality this is difficult. More often, they are trapped, experiencing early and frequent childbirth, and vulnerable to domestic violence.

In Egypt, 29 per cent of married adolescents have been beaten by their husbands and, of these, 41 per cent have been beaten during pregnancy. In Jordan, 26 per cent of reported cases of domestic violence were committed against wives under 18. The dangerous effects of early pregnancy and childbirth are widely accepted to include increased risk of dying, and increased risk of premature labour and severe complications during delivery. Pregnancy-related deaths are the leading cause of mortality for 15-19-year-old girls (married or unmarried) worldwide. Those under age 15 are five times more likely to die than women in their twenties (UNICEF 2001). According to the Egyptian Ministry of Social Affairs, the mortality rate of adolescent mothers is 60 per cent higher than that of mothers over 24 (Tilgay and Sarhan 2001).

The general public has little consideration for (or is simply unaware of) international declarations that support women's right to divorce. Article 16 of the 1948 Universal Declaration on Human Rights states that, 'Men and women of full age have the right to found a family. They are entitled to equal rights as to consent to marriage, during marriage and its dissolution.' In most Islamic societies, men are entitled to ask for divorce, while women do not have

similar legal rights. In those countries where legal mechanisms are being developed, for example, Egypt (which is granting similar legal rights to women), practical implementation is very difficult for social and economic reasons. A girl may find herself trapped within a marriage because she sees no other means of survival.

Loss of adolescence, forced sexual relations, and the denial of freedom and personal development have profound psychological and emotional consequences (UNICEF 2001). Nevertheless, most girls in such situations have nowhere to go as they are surrounded by people who endorse their situation.

## **Economic and social vulnerability**

Children engaged in prostitution, and those who are married, encounter tremendous difficulties in changing their situation. Some few girls show exceptional strength (or exceptional desperation), either persuading their husbands to divorce them, or simply running away. However, those few who manage to escape – whether prostitutes or married/divorced – often find that their future is characterised by extreme economic and social vulnerability.

### ***Economic vulnerability***

Economic vulnerability exists because of the lack of alternative work and livelihood opportunities for girls who are usually under-educated and under-skilled. Child prostitutes and married children have often been deprived of substantial education opportunities. A girl who marries becomes a housewife with limited opportunities to continue her education. While child prostitutes have a theoretical possibility of attending school, as their 'working hours' are usually during the night, in practice this is difficult for various reasons. First, the 'owner' usually refuses to expose the child to the public for fear of people noticing the kind of activity that the child is engaged in.

This is particularly the case in Middle Eastern and North African countries where the penalties connected with prostitution are extremely severe – in some cases the death penalty – and prostitution occurs undercover as a result. In addition, child prostitutes are often involved in household work during the day, or lack the energy and capacity required for schoolwork.

Child marriage and child prostitution deny children of school age their right to the education. This in turn hinders their potential to earn an income. Consequently, child marriages and prostitution contribute to the ‘feminisation of poverty’ (UNICEF 2001).

Child marriage is also linked to a high degree of wife abandonment, which leaves girls in a vulnerable situation. This case is particularly relevant for short term/short contract marriages. The study that was conducted by the Egyptian Ministry of Social Affairs revealed that of the 35 women interviewed, 67 per cent had subsequently divorced. None of these women received any of the financial assistance to which they were entitled by the Koran. Verse 002:241 assures that ‘For divorced women maintenance {should be provided} on a reasonable {scale}.’

### ***Social vulnerability***

Child prostitutes and married children may both be exposed to community exclusion and/or physical threats. Girls who insist on divorce usually experience isolation or abandonment. In many cases they are punished through family-related violence, and in extreme cases their lives are threatened. They run the risk of the so-called ‘honour killing’. Lately, however, there have been some serious efforts by governments to outlaw such practices. Egypt and Jordan have been frontrunners in combating ‘honour killing’ through tougher legal measures.

Child prostitutes, on the other hand, often break free from prostitution only to find themselves placed in institutions or

prisons. As these girls are seen as public goods, they become subjected to physical violence and sexual abuse in the very institutions that are supposed to protect them and help them in the recovery process.

## **Conclusions**

In comparison with other regions such as South-East Asia, Eastern Europe, or Sub-Saharan Africa, child prostitution is still very limited in North Africa and the Middle East. Not surprisingly, poverty is the major contributory factor to children’s vulnerability to sexual exploitation. Children of the middle and upper classes, and educated children in big cities such as Cairo, Amman, and Beirut have more protection and can be better informed of their rights. Children in war-torn countries are more at risk of sexual exploitation, as they live in societies where some degree of anarchy and breakdown of social protection and controls prevails. There are links between conflicts in Algeria and Sudan and the increase in sexual vulnerability of children.

Cultural and social taboos in many Middle Eastern and North African countries have hindered the practical administration of sound and adequate research. Child prostitution is practised to a much lesser extent than child marriage. Most countries have realised the paramount importance of protecting children from commercial sexual exploitation, and some very harsh penalty measures have been introduced to combat child prostitution. Despite the rising awareness of the harm associated with child marriages, very little has been practically implemented to combat this form of exploitation.

The above-mentioned legal situation creates an extraordinary and contradictory climate where a man who sexually abuses a child can on the one hand be sentenced to death (if it is a matter of child rape or child

prostitution), but on the other backed up by legal instruments and social approval (if he chooses to marry the child).

However, as demonstrated in Rabat in October 2001, most governments are currently in the process of reviewing their national legislation to offer stronger and more comprehensive support for children. In addition, NGOs and human rights groups are progressively and courageously committed to upholding the rights of the child, while religious authorities become increasingly critical of child marriages.<sup>2</sup>

It is important to bear in mind that boys are also subjected to child prostitution and child marriages, and that they too need the same kinds of protection. However, as this article has demonstrated the social construction of women's and girls' roles, responsibilities, and relations mean that they typically have less control over their lives, and fewer life choices and options.

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## Notes

- 1 The significance of virginity is further manifested by other practices such as female genital mutilation (FGM) – which has been prohibited in a number of Middle Eastern and North African countries, such as Egypt and Mauritania – and 'virginity reconstruction', a practice intended to reconstruct female sex organs to give the impression that a girl is a virgin, though she has had sexual intercourse. Both operations pose considerable risks to girls' health.
- 2 I feel obliged to mention that though all cases of child prostitution I have encountered have been destructive, some child marriages have appeared to be happy. In these cases the parents have

been genuinely interested in the well-being of their child, the husbands have been caring and supportive, and the children have been given a chance to give their consent, and had the opportunity to complete their education. But these cases are rare. In the best circumstances the girl is indifferent, and mostly she is discouraged and wants to escape, but is unable to do so. I have listened to several first-hand stories and many child complaints, and they all express similar fears and distress.

## References

- Tilgay, C. and D. Sarhan (2001) 'Early marriages amongst girls in Egypt; a hidden phenomenon?', *Insight Magazine*, March, p.49
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