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RESEARCH ARTICLE

# Sociodemographic Characteristics of Child Marriages: A Retrospective Analysis

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**Abstract**
This study was carried out to determine the profiles of cases applying to a provincial Turkish Family Court for marriage permits, to investigate the reasons that push girls into early marriage, and to examine the court's decisions. The files of 75 people who'd applied to this family court between 2013 and 2017 for a marriage permit were examined retrospectively. The study found girls under 18 to be applying for a marriage permit in 96% of the cases and boys under 18 in 4% of the cases; of the girls, 41.7% were pregnant while 6.9% had already had their baby. Also, 28% of the applicants had mothers who'd also gotten married before the age of 18. In 93.4% of the cases, the couples' relationship having caused the people around them to gossip and in turn affect the couple's families adversely was considered an important reason for granting a marriage permit. People in the at-risk group are recommended to receive education about the negative aspects of early marriages.
**Keywords:** Child marriage • Early marriage • Court decision • Sociodemographic characteristics • Retrospective analysis

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Also known as early marriage, child marriage is defined as a marriage between two people, one or both of whom are younger than 18 years of age and not ready to fulfill the physical, physiological, and psychological responsibilities of marriage or of having children (United Nations Population Fund [UNFPA], 2006). These marriages are mostly informal religious marriages that take place without any ceremony or legal basis (Özpulat, 2016). Although the problem of early marriage involves both sexes in society, it affects girls more adversely due to the consequences (United Nations Children's Fund [UNICEF], 2011). Millions of child brides, some of whom are still undergoing puberty, are prevented from accessing health, education, and economic opportunities. Most of them are placed under the obligation to fulfill the roles and responsibilities of a spouse / mother without adequate support, resources, or capacity (Workineh et al., 2015). Mothers under 18 years old have a 35-55% higher risk of delivering preterm or low birth weight infants compared to mothers 19 years or older. The infant mortality rate is 60% higher among mothers under 18 years old. This high morbidity and mortality rate are due to young mothers' undernutrition, physical and emotional immaturity, inability to access social and reproductive services, and high risk of exposure to infectious diseases (Nour, 2009).

The literature has reported symptoms of depression to be more prevalent among children who marry at an early age compared to those who get married after turning 18 (Cengiz Özyurt & Deveci, 2011) and the rates of being diagnosed with a mental illness or seeking psychiatric support to be higher in women who marry in their childhood compared to women who marry as an adult (Le Strat et al., 2011). Parents believe that marrying their daughters early protects them from rape, premarital sex, unintended pregnancy, sexually transmitted disease, HIV (Nour, 2009). Cultural factors, economic problems, concern for the protection of family honor, preventing premarital sex, young spouses' being easier to control, and the possibility of giving birth to more children are among the reasons that push girls into early marriage (Aydın & Akay, 2017). Muslim girls have greater risk of early marriage because of the patriarchal family structure (Kamal & Hassan, 2015). The Turkish literature has reported girls whose parents have low education levels or who have illiterate fathers, family members with a native language other than Turkish, parents who spent their childhood in non-urban areas, parents whose marriage was arranged, parents whose marriages are religiously but not civilly recognized, or parents with an age gap greater than 10 years between them to be more likely to get married before the age of 18. The more a person possesses these factors that increase the risk of becoming a child bride, the greater their risk of this actually happening (Yüksel Kaptanoğlu & Ergöçmen, 2012).

Despite the majority of countries in the world having adopted the various International Conventions and Agreements and enacted domestic laws regarding marriage age requirements, the implementation of these laws, conventions, and agreements barely

exist in developing regions (Ahmed, 2015). According to a study by UNICEF (Chowdhury et al., 2020), 12 million girls get married before the age of 18 each year, and one in nine girls gets married before the age of 15, in particular in developing countries. According to another UNICEF (2017) report, the marriage rate in the world with the exception of China is said to be 25% among those under the age of 18, and 6% among those under the age of 15; also, one out of every four marriages in the world is a child marriage. According to data released by the Turkish Statistical Institute (TurkStat) in 2018, civil marriages among girls aged 16-17 made up 3.8% of all civil marriages. This percentage is highest in the province of Ağrı (14.8%) and lowest in the province of Bolu (0.7%). This percentage is 5.6% for the province examined in this study, which is above the average in Turkey (TurkStat, 2018). Because marriages under the age of 16 are not officially registerable in Turkey, the actual number of child marriages is unknown.

Article 124 of the Turkish Civil Code No. 4721 states that a man or woman cannot marry in Turkey unless they have completed their 17$^{th}$ year; however, a judge can allow the marriage of a man or woman who is at least 16 years old under exceptional circumstances or for a very important reason. This descriptive present study is carried out to determine the profiles of those who've applied for a marriage permit from a Family Court in an unnamed province in Northwestern Turkey, to investigate the reasons that push girls into early marriage, and to determine and evaluate what the law specifies as "exceptional circumstances or for a very important reason." Many countries have laws that may grant children under the age of 18 permission to marry through court order under certain exceptional circumstances. Countrywide and worldwide examination of these exceptional circumstances has great importance in determining the situation and the measures that can be taken to combat early marriages that violate human rights.

## Materials and Methods

### Data Collection Procedures

This study retrospectively examines 75 cases in which children and their parents/legal guardians applied to a provincial family court between 2013 and 2017 to obtain a marriage permit. The necessary permissions were obtained from the Ethics Committee (12/7/2017 numbered 2017.12.03) and the provincial family court for conducting the study. The court files contain information about the following points that were investigated: the age of the person applying for marriage; the age of the person the applicant is to marry; the marital status of the mother and father of the applicant; the age gap between the applicant's parents; the applicant's mother's age at marriage; the information included on the petition for obtaining permission to marry; whether the

family court had asked for the opinions of an obstetrician, gynecologist, urologist, or psychiatrist to learn if the person to get married was eligible for marriage; what these opinions were; whether the person who petitioned for marriage was pregnant or had already had a child whose father was to be the spouse; whether the court had obtained the opinions of the mother, father or legal guardian of the person to marry and, if so, what their opinions were; what the points were that the family court judge regarded as exceptional circumstances or for very important reasons; and the decisions the judge had made by the end of the case.

**Data Analysis**

All the data obtained from the study were anonymized, with the data's statistical analysis being performed using the Statistical Package for the Social Sciences (SPSS 21). The analysis involves descriptive statistical methods (i.e., means and frequency distributions).

## Results

Table 1 provides the number of cases analyzed by year.

Table 1
*The Number of Cases Analyzed by Year*

| Year | Number of Cases |
|---|---|
| 2013 | 18 |
| 2014 | 16 |
| 2015 | 12 |
| 2016 | 14 |
| 2017 | 15 |
| Total | 75 |

Of the 75 cases, 74 (98.7%) include information about the age gap between the parents of the person petitioning to get married. The mean value of the age gap was 4.27 years (min. = 0, max. = 9 yrs.). Of the cases, 55 (73.3%) include information about the ages of both persons wanting to get married. The mean age of the persons to get married is 20.6 years (min. = 16, max. = 34). Of those getting married, three (5.5%) are the same age as the one applying for the marriage, 32 (58.2%) are 1-5 years older, and 22 (40%) are more than 5 years older.

As the person or parents of the person applying to get married stated in the files, 28 (37.3%) were engaged to the person they wanted to get married, 1 (3.3%) had already been religiously married, and 7 (9.3%) had eloped with the person they wanted to get married.

Table 2
*Sociodemographic Characteristics of the Persons Applying for the Marriage Permit (n=75)*

| **Sociodemographic characteristics** | **N** | **%** |
|---|---|---|
| **Age** | | |
| 16 | 73 | 97.3 |
| 17 | 2 | 2.7 |
| **Gender** | | |
| Female | 72 | 96 |
| Male | 3 | 4 |
| **Marital status of the applicant's parents** | | |
| Married | 61 | 81.3 |
| Divorced | 9 | 12 |
| Widow | 5 | 6.7 |
| **Age of the applicant's mother when she got married** | | |
| < 18 yrs. | 21 | 28 |
| ≥ 18 yrs. | 50 | 66.7 |
| No data | 4 | 5.3 |
| **Pregnancy** | | |
| Pregnant | 30 | 41.7 |
| Not pregnant | 42 | 58,3 |
| **Is already a mother** | | |
| Yes | 5 | 6.9 |
| No | 67 | 93.1 |

Of the persons applying to get married, 41.7% are pregnant, 6.9% have had their baby, and 28% have mothers who'd gotten married before the age of 18 (see Table 2).

In all the cases that were granted consent to marry, the court asked for the opinions of an obstetrician / gynecologist, urologist, and psychiatrist to learn whether the person applying to get married was fit for marriage. Only one case decided that conducting a one-year evaluation would be appropriate for determining whether the person was fit for marriage due to her borderline mental capacity. The other physician reports stated the persons to be fit for marriage.

In 58 (95.1%) of the 61 cases to which a marriage permit was granted, the mothers were heard in the court to state their approval of the marriage. In two cases, the fathers were heard in place of the mothers because the parents had divorced and the father had been awarded custody. Another case heard the grandfather in court as he had been given guardianship of his granddaughter.

Of the 61 cases that had granted permission to marry, 56 (91.8%) heard from the fathers in the court, 55 (90.2%) of whom stated that they approved the marriage. Five cases did not hear from the father, four cases due to the father having died and one case due to the grandfather having been given guardianship of his granddaughter.

Table 3
*Distribution of Decisions Made After the Cases (n=75)*

| **Court decision** | **n** | **%** |
|---|---|---|
| Petition was approved | 61 | 81.3 |
| Petition was denied | 14 | 18.7 |
| No extraordinary situation or very important reason was found to grant permission to marry | 1 | 1.3 |
| Diagnosis of borderline mental capacity in the psychiatric assessment | 1 | 1.3 |
| Case dismissed/Case was unattended by the applicant | 3 | 4 |
| Case rejected because the application was not made in the province of residence | 2 | 2.7 |
| Case rejected because the applicant was not a citizen of the Republic of Turkey | 1 | 1.3 |
| Case deemed no decision needed because the person applying for marriage was 17 years old and would happen with the parents' consent | 2 | 2.7 |
| Case rejected because the applicants withdrew the application | 2 | 2.7 |
| Case rejected because a new application had been made before reaching a decision regarding marriage consent from a previously open case. | 2 | 2.7 |

In 61 (81.3%) of the cases, the judge granted permission to marry (see Table 3). In all these cases ($n = 61$), the consent was granted based on exceptional circumstances or for a very important reason. In two cases (3.3%), the girls were pregnant, in one case (1.6%), the girl was already living with the person to whom she would get married, and in 1 case (1.6%), the girl was engaged and her fiancé was to join the armed forces to perform his military service, all of which were considered as exceptional circumstances.

In 24 cases, the couples' lived together with no children, or the woman was not pregnant; in 28 cases, the couples had a child born out of wedlock; and in 5 cases, the couples live together permanently, which caused those around them to gossip which in turn adversely affected the couples' families. These the judge accepted as very important reasons to grant permission to marry.

In summary, 57 (93.4%) of the cases involved couples whose situations had caused those around them to gossip, which had adversely affected the couple families, and this was considered an "important reason" to grant consent to marriage.

## Discussion

This study saw that only 4% of those who'd applied for a marriage permit were boys. These data support the widespread belief that girls are the ones most affected by child marriage (UNICEF, 2011; Gaffney-Rhys, 2019). Child marriages can separate children from their families and friends, expose them to domestic violence, and jeopardize their development and educational, social, and occupational opportunities. Early marriages may lead to psychological problems as well as depression and suicide (Özcebe & Küçük Biçer, 2013). This study can be a guide with regard to preventing child marriage. In particular, extending the period of compulsory education may be beneficial.

A groom being 5-9 or ≥ 10 years older than the bride is said to increase the risk of being a child bride by 2.9 or 3.3 times, respectively (Yüksel Kaptanoğlu & Ergöçmen, 2012). The current study found 40% of the grooms to be 5 or more years older than the girls/brides. Because 26.7% of the marriage files contained no data regarding the age of the person applying for the marriage permit, we think the actual rate might be higher and the results from our study to be consistent with those in the literature. Studies conducted in Turkey have determined the ideal age of marriage for men to be higher than for women (Akbaş et al., 2019). This situation may be related to men taking on the economic responsibility and anxiety of starting work and thus get married at a later age in order to establish this order. If the woman is not worried about her husband being employed, the marriage age may be lowered. For this reason, raising women's awareness about working a qualified job may also be effective in preventing child marriages.

The Turkish Civil Code has no provisions requiring a judge to obtain the opinion of a specialist physician to grant marriage permission; however, the judges requested expert opinions from obstetricians, gynecologists, urologists, and child/adolescent psychiatrists to determine whether the children had health problems such as mental illness or mental retardation that would prohibit marriage or an exceptional circumstance such as a pregnancy. The judge considered the opinions of specialist physicians while granting marriage permits. In one case, the child and adolescent psychiatrist reported the child to have a borderline mental capacity and that marriage would not be appropriate; the judge did not grant a marriage permit in this case, citing the opinion of the specialist. The literature also has a study indicating physician reports to occur that have stated a girl to be ineligible for marriage due to being under 18 years old, despite being pregnant or having a child, or dur to having a mental illness or mental retardation (Kuygun Karci et al., 2020). Not permitting child marriages with the help of health professionals is also an important gain in preventing child marriages.

One of the things we observed while screening the files was that 56 of the cases (91.8%) involving children and their parents / legal guardians requesting the court's consent for marriage had stated that the person requesting the marriage and the person to be married had made the decision to marry of their own free will, that the family had not approved their marriage at the beginning but had consented due to the gossip of those around them regarding the couple living together unmarried or to their daughter conceiving a child out of wedlock or from adultery, which bothered them. This makes us think that girls and parents grant consent to early marriage with the concern of protecting the honor of the family. For instance, the literature refers to marriages between people aged 16–18 years as voluntary early marriages (or late early marriages). Although family members initially object to early marriages, they eventually are forced to concede because early marriage is considered legitimate by society (Yiğit, 2016).

The present study involves individuals who'd applied for permission to marry of their own will; according to the records, although the families had initially opposed the marriage, they eventually consented due to the existing circumstances. The files of the cases we screened did not include data regarding the families' sociocultural, economic, or education status, data that are considered to have an impact on decisions regarding child marriage in the literature. We obtained the data regarding the mothers' ages when they married, which may have an impact on early marriage decisions, from the copies of birth certificates, which demonstrated that the mothers in 28% of the cases had gotten married under the age of 18. This rate might be higher because of the possibility that the parents had had their children get married religiously before the official marriage. The literature has stated a girl being raised in an environment where early marriages are common to also be among the reasons that force girls into early marriage (Yiğit, 2016; Aktepe & Atay, 2020). One study (Koçtürk & Bilge, 2018) determined the parents of adolescents who'd married under 18 years of age to be more likely to have mothers who'd married young and given birth at a young age. Children whose parents marry at a young age may be taking their mothers as role models. For this reason, these families are thought to benefit from being educated about the risks.

One global study (Arthur et al., 2017) reported only 16 of 191 countries to not grant marriage permits to girls before the age of 18, including exceptional circumstances in which a marriage permission may be granted by a court decision. While girls under the age of 18 are legally granted marriage permissions in 23 countries (12%), 99 countries (52%) subject early age marriage permission to parental consent. Our research regarding exceptional circumstances in which marriage permits are granted to girls under the age of 18 by court decision in the world have revealed some countries like Belarus to issue a permit in case of pregnancy, other countries like Bulgaria to issue a permit in exceptional circumstances as defined by the court, and still other countries such as Bosnia and Herzegovina to issue permits if the court decides the girl possesses the capacity to bear the responsibility of marriage (Kim et al., 2013). In case of serious circumstances such as pregnancy, those under 18 years of age can marry with the consent of their parents in France (European Union Agency for Fundamental Rights, 2014). Article 124 of the Turkish Civil Code leaves the decision regarding the presence of exceptional circumstances or very important reasons up to the judge's discretion. What these concepts of "exceptional circumstances" and "very important reasons" mean is whether the woman is pregnant or has children. In cases in which the couples live together or the woman is the applicant, judges can allow those who have attained the age of 16 to marry (Türkiye'de Evlilik Tercihleri, 2015). Doctrinally, a girl who's been orphaned or neglected or either the man's or girl's life being in danger are stated as exceptional circumstances and very important reasons (Sungurtekin Özkan, 2013). The present study saw exceptional circumstances defined in 2 cases (3.3%) as the girl being pregnant, in 1 case (1.6%) as the girl living with the person to whom she was to marry, and in 1 case (1.6%) as the girl being engaged

and her fiancé joining the armed forces to perform his military service. In 93.4% of the cases, the judge considered the prospective couple living together permanently or the girl being pregnant/having a child born out of wedlock resulting in gossip from those around them and affecting the families adversely as "a very important reason".

One limitation of the study is that it was conducted with 75 individuals. However, the lack of any previous study retrospectively investigating the causes of child marriages in the region is one of its strengths.

## Conclusion

This study determined that girls constitute the majority of those under 18 in child marriages. Most of those who had married with the court's permission were pregnant or had had the child already. Of the people under 18 applying for marriage permits, 28% of their mothers were found to have gotten married at an early age. Necessary precautions should be taken by considering these risk factors. Child marriages take away children's right to education and lead to negative consequences such as adolescent pregnancy, violence, and abuse. For this reason, child marriage is an issue that should be emphasized and prevented. Evaluating the subject by considering many legal, political, health, educational, social, and cultural aspects is thought to be necessary.

## Study Limitations

The present study was carried out in only one anonymous province in Northwest Turkey. Therefore, the results obtained from this study cannot be generalized to people in all the provinces of Turkey.

**Ethics Committee Approval:** Ethical approval was obtained from the Ethics Committee (dated 12/7/2017 and numbered 2017.12.03).

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