

## Impact of Change in Law on Child Marriage in Egypt A Study in Two Egyptian Governorates

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### Abstract

**Background** Child marriage is recognized as a human right violation. Egyptian law sets age at first marriage to be 18 years for both sexes. **Objectives** To investigate the effect of the law of age at marriage on the marital behavior of adolescents and to explore the awareness, attitudes and perceptions of the local community and religious key informants towards the law. **Methods** This descriptive study employed both quantitative and qualitative techniques. Marriage records were reviewed, 260 attendants of two primary healthcare facilities were interviewed using a semi-structured questionnaire investigating socio-demographics, knowledge and perceptions about the law. Focus group discussions were conducted with 42 religious key informants to explore their opinion about the law. **Results** 75.8% of participants noticed cases of child marriage in their communities. Nearly 93% said they heard about the law and 78.5 % know that it is at 18 years, 4.2% perceive the law as inappropriate/at all to the local community and 5% were not sure. Marriage ratify contracts that show sudden rise after 2008 and progressive increase until 2012. Most religious key informants view the law as appropriate from health perspectives but not from the religious perspective. **Conclusion** Child marriages are still practiced in Egypt. Ratify contracts represent a back door allowing registration of these informal marriages when the girl reaches 18 years. An integrated approach is needed to combat child marriage including enforcement of the law, ensure law's content is understood, train religious stakeholders and treat the radical reasons including poverty religious misconceptions.

**Keywords:** Child marriage, early marriage, law of age at marriage

### Introduction

Marriage is one of the important social systems that affect the structure of population through the timing of marriage and its effect on birth rates and the health of mothers and children<sup>(1)</sup>. The right to marry is a basic human right. It is legally defined, in Egypt, by a series of conditions, namely the requirement of the spouses consent for the marriage to be valid; the existence of a minimum required age for marriage; and the obligation to officially register the marriage. The absence of these

conditions amounts to a violation of the right to marry or not<sup>(2)</sup>. According to human rights and under international law, early marriage is recognized as a human right violation<sup>(3)</sup>. The decision of when to marry has important consequences for women. While marriage is considered a choice, laws regarding marriage in Egypt, control when people marry and number of partners. Age of marriage laws were designed to prevent early marriage, because of concerns about health and

social problems associated with childbearing at young ages<sup>(4)</sup>. Early marriage is often associated with lower socio-economic status, schooling and female labor force participation<sup>(5)</sup>.

Egypt harbors the largest number of female early marriage in the Arab region<sup>(6)</sup>. In 2008, Egypt child protection laws raised the legal age of marriage for girls to 18 to be equal to that of boys. However, legal loopholes render it unenforceable. Law gaps leave opportunities that can allow for early marriage to occur<sup>(7)</sup>. If legal marriage is a formality or if marriage laws are routinely ignored, then changes in marriage law will not have much impact<sup>(5)</sup>.

## Rationale

Given the intended policy goals of the law number 106 year 2008 (law of age at marriage), there is a rising empirical question: what is the impact of this law on the age of first marriage and on the awareness and attitudes of the community towards child marriage

## The Aim of the Study

To preserve the health of mothers and the coming generation, in Egypt, through ensuring proper timing of marriage.

## Objectives

1. To examine the impact of the change in marriage laws on age at first marriage in two selected Egyptian governorates.
2. To explore the awareness, attitudes and perceptions of the local community and mazoons towards the law governing the age of marriage and its implementation

## Methodology

### -Study design

This is a cross-sectional descriptive study that was applied by both quantitative and qualitative techniques.

### - Study setting and study period

The field study was implemented during the time period from April 2014 to May 2014. The study was conducted in two purposefully selected Egyptian governorates; Menoufia governorate (Lower Egypt) and Souhag governorate (Upper Egypt). The National Population Council (NPC) branch offices, in both governorates, offer to collaborate during data collection. Then the district of "Shebeen El-Quom" (Menoufia governorate) and the district of Akhmeem (Souhag governorate) were randomly selected.

### *Study settings included*

1. The NPC branch offices in Menoufia and in Souhag
2. The Shebeen District's healthcare center in Menoufia and Akhmeem's healthcare center in Souhag

### Sampling

A convenient sample of all adults aged  $\geq 18$  years old attending the primary healthcare facility in Shebeen District's healthcare center in Menoufia, during ten working days, ( $n=130$ ) were included in the study. An equal sample of adults aged  $\geq 18$  years old attending Akhmeem's healthcare center in Souhag ( $n=130$ ) were included, as well. A total of 260 adults aged  $\geq 18$  years old in both selected governorates; were interviewed.

In addition, a total of 42 religious key informants (Mazoons) were approached by the employees of the NPC branch offices in Menoufia and Souhag: 27 from Menoufia and 15 from Souhag.

### Data collection

Data were collected from the following sources:

- 1- Review of the marriage statistics, records and documents available at the Central Agency of Public Mobilization and Statistics (CAPMAS) and accessed through the information center of the National Population Council (NPC).
- 2- Review of the official records of marriages in Menoufia governorate that were accessed through the NPC branch in this governorate. There were difficulties to access the official records of marriages in Sohag governorate
- 3- Participants attending the healthcare centers in 2 selected districts ;Shebeen and Akhmeem were interviewed using a semi-structured questionnaire that included questions about the socio-demographic characteristics of the participants and their awareness about existence of the law of age at marriage and attitudes towards appropriateness of the law to the community needs and their perceptions about commitment of the local community to the law and its implementation
- 4- Two focus group discussions (FGDs) were conducted with key informants (mazoons) in both governorates. They were asked about their perceptions concerning the law and its implementation from their professional point of view and the different ways adopted by the community to “go around” the law and thus still be able to marry off child girls. Themes for the discussion were developed using published scientific literature. Then, the FGD guide was developed, drafted and field tested on three participants

### **Data Management and statistical analysis**

In quantitative analysis; data were entered on Excel 2010 and analyzed using SPSS version 17. Categorical variables were displayed as frequencies and percentages and numerical variables were displayed as measure of central tendency (mean) and measure of dispersion (standard deviation)

FGDs were conducted in Arabic language. The note-taking was in Arabic also. All the discussions were tape-recorded with the permission of the participants. Arabic transcripts were then translated into English and then back translated for accuracy and quality of translation by one of the researchers. All the transcribed discussions were entered into Microsoft Excel. A coding system was organized and themes were manually interpreted. Transcripts were then analyzed and categorized.

### **Ethical Considerations**

An approval was obtained from the ethical committee of the department of public health and community medicine, Cairo University, prior to conducting the study. An informed consent was obtained from the respondents while approaching them to participate in the study. Privacy and confidentiality was maintained according to the revised declaration of Helsinki on biomedical research ethics<sup>(8)</sup>.

## **Results**

### **Socio-demographic characteristics of the study participants**

As regards participants interviewed at the health facilities; nearly three quarter of them were females (75.4%), those aged less than 20 years represent 2.3% of the group, the age groups (20 -29), (30 – 39), and above 40 years represent

35%, 41.9% and 18.5% respectively. Married participants represent 78.5% of the group, higher in Menoufia (92.3%) than in Souhag (64.6%) versus a lower percentage of single participants in Menoufia (4.6%) compared to Souhag (23.1%). More than half (54.2%) of the female participants are housewives, 3.8% of male participants are unemployed, higher in Souhag than in Menoufia (5.4% versus 2.3%) and the employed participants are semi-professionals (clerks) representing 26.5% of the studied group, followed by unskilled workers (8.8%). 30.6% of the participants were illiterate, 67.4% were less than university graduates and 2% were university graduates. In Souhag, about quarter of study participants (25.4%) were married before 18 years. 8.6% in Menoufia were also married in their childhood. 19.4% of female were married before 18 years versus 9.4% of male. In addition to 1.2% of the studied group were married (below 14 years old). The mean age of the religious key informants (mazoons) who participated in the study was  $39 \pm 5.42$  years and their years of professional experience varied from less than 5 years (12 persons), from 5 to 15 years (23 persons) and more than 15 years (7 persons)

**Table 1** shows that about 75.8% of study participants have noticed cases of child marriage in their communities: 86.2% in Souhag versus 65.4% in Menoufia ( $P=0.001$ ) The most common drives for the parents to marry off their child girls were financial (69.6%) and by fear that the girl will never be married (36.2%). Other drives involve preserving the girl's honor (21.5%) as well as that the religion mandates it (11.9%). Nearly 93% have ever heard about the law and 78.1 % know that it is at 18 years. 77.7% perceive the law as very

appropriate/appropriate. 59.1% of the participants said that the law is routinely implemented, higher in Menoufia (71.4%) than in Souhag (47.2%),  $P=0.001$ . while 9.1% think that the law is never implemented, higher in Souhag (14.6%) than in Menoufia (3.4%),  $P=0.001$ .

**Table 2** presents the views of both sexes regarding child marriage. Significantly more females reported ever noticed the problem. There are no differences between both sexes as regards views concerning appropriateness of the law to the local community or as regards drives for child marriage except for males who reported preserving the girl's honor (29.7%) higher than the females (18.9%),  $P=0.05$ . Significantly more males (73.8%) reported that the law is routinely implemented in their community compared to females (54.1%),  $P=0.007$ .

**Figure 1** presents the percent of married girls at age group from 16-19 years. Although there hasn't been any recorded marriage  $<18$  since 2009, recorded marriage at 18 years shows an increase from (8.6%) in 2008 to (12.9%), (10.4%) and (13.6%) in 2009, 2010 and 2011 respectively. Simultaneously, recorded marriage at 19 years marks a progressive decline from (5.7%) in 2008 to be nil in 2013.

**Figure 2** presents the number of Marriage Ratify Contract in Souhag from 2002 to 2012 showing sudden rise in the number of the Marriage Ratify Contract after 2008 with a continuous progressive increase until 2012. Ratify Contract in Menoufia shows a slight decline from 2009 to 2010 then plateau till 2012. There were difficulties to calculate the percent of Marriage Ratify Contracts from all performed marriages:

no access to the whole number of the marriages contracts.

### **Results of FGDs conducted with religious key informants (mazoons) from Menoufia and Souhag**

#### **First Question: Perceptions concerning the law**

About their personal views towards the law, majority of the participants in Menoufia (24 of 27) and almost half in Souhag (8 of 15) view that the legal age at marriage is appropriate. Some (16 of 42) said it is the age of physical and mental maturity, or to be able to bear marriage responsibility (12 of 42) and suitable for the health status of the married couple (10 of 42). Only one said “*to preserve the girl's purity*”. “*Less than that the girl is too young to bear the responsibility and more than that she will become maiden*” said a 44 and 49 year olds Mazoons from Menoufia.

However, few participants in Menoufia (3 of 27) and the other half participants in Souhag (7 of 15) said that this legal age of marriage is not appropriate. “*It is better for the girl's legal age at marriage to be 16 otherwise the family may seek the Urfi marriage*” said one Mazoun from Menoufia. Another Mazoun, from Souhag mentioned “*there are many girls that grow up fast and can get married before 18*”. Few said it is inappropriate because girls may commit a dishonorable behavior, and that the law is only appropriate in urban and not in rural.

Although from personal point of view, most mazoons believe that 18 years is a suitable age for girls to marry, yet the vast majority in Souhag (13 of 15) and in Menoufia (22 of 27) believe that the law is not legitimate from the religious aspect because Islam did not specify an

age for marriage and that age of marriage is related to puberty, financial capacity and prophet Mohammed, peace upon him, married Sayeda Aiisha when she was only nine. They also said that there is no legitimate evidence from Quran or Sunnah that specifies the age of marriage to be 18 years and not before that. One participant in Souhag said “*in ancient times the marriage was from the age of 10*” and another said “*There are Urfi and early marriages still carried on and that young people have a strong instinct at this age*”.

One participant added that so long the religion did not specify an age of marriage, thus this should be left to “Waley El Amr” meaning official stakeholders and a participant mentioned a Hadith “*Obey Allah and the Messenger and those guardians of you*” while another said that Al-Azhar and El-Efta agreed upon this law and very few (2 of 15) agreed that the law is acceptable from the religious aspect because it protects the wife's rights, being officially registered.

#### **Second Question: the official registration of the child marriage**

Majority of participants in Menoufia (20 of 27) and Souhag (10 of 15) confirmed that there is no official registration for child marriage. However, 5 mentioned that there is an official registration for this early marriage, through Urfi marriage contract, followed by a marriage ratify contract when the girl reaches the legal age of marriage. Few (2 of 27 in Menoufia) said that a lawyer can do a temporary contract or that official registration could be done after seeing photos, health registry or any other official documents (2 of 15 in Souhag). Few participants in Souhag (3 of 15) and

only one participant in Menoufia said that there are illegal ways to register the child marriage even before the girl reaches age 18 that they did not specify and said they do not know how. Some participants (8 of 15 in Souhag) explained that official registration of this marriage will be undertaken when the child bride reaches the legal age of marriage, through Urfi marriage contract plus a signed acknowledgment of standing of marital life between the couple (إقرار زوجية) plus a marriage ratify contract.

## Discussion

Child marriage has considerable negative health and social consequences. Several legislative and programmatic frameworks have been designed to prevent early marriage but their implementation is not fully fulfilled<sup>(9)</sup>. Egypt had increased of the legal age for marriage to 18 years by the Egyptian law No.126 of 2008<sup>(7)</sup> that prohibited the registration of marriage for those who are under 18 years of age. It was expected that a decline in the number of early marriages would occur. However, the implementation of the law is facing multiple barriers and community resistance. In the current study, nearly 76% of the participants noticed child marriage in their community, about 32% think that law of marriage is implemented according to circumstances and 9% think it is never implemented. In a study conducted in Assuit governorate, in 2010<sup>(10)</sup>, aimed to identify adolescent health problems: 3% of the respondents were already married and 4% were engaged and 30% of the participants had friends or relatives married before the age 18. 40-70% of the respondents affirmed the high prevalence of early

marriage in Assuit governorate. Denoting that child marriages are still conducted despite the law and an opened and a legal door through Urfi marriage contract, followed by official registration of these marriages through Marriage Ratify Contracts when the child girl reaches the legal age which is a solution for those who seek such marriage, so that all what is needed is to just wait till the child bride reaches 18 years. These ratify contracts represent a back door to overcome the registration obstacle facing parents who marry off their child girls and in addition, some religious key informants (mazoons) claimed that there may be as well illegal ways sought to officially register these marriages, which they did not specify. In the current study, it is documented that the number of Marriage Ratify Contracts in Souhag show sudden rise after 2008 with a continuous progressive increase until 2012. In addition, in Menoufia, there hasn't been any officially recorded marriages <18 years since 2009, then recorded marriage at 18 years shows an increase from (8.6%) in 2008 to (13.6%) in 2011. Simultaneously, recorded marriage at 19 years marks a progressive decline from (5.7%) in 2008 to be nil in 2013. Urfi marriage is socially and religiously accepted as it satisfies in principle all the necessary conditions required for an acknowledged marriage, except for the official registration and it is practiced openly in many rural areas<sup>(11)</sup>.

Religious and traditional practices limit the effectiveness of legislation aimed at combating early marriages. The acceptance of early marriages under certain interpretation of Sharia'an has allowed the practice to continue<sup>(12)</sup>. **For that, the religious key informants** (mazoons) participating in the present

study, believe that the law is not legitimate from the religious aspect. However, concerning Islam and early marriage, it was stated that "early marriage contrary to a popular misconception, we do not find in the Shari'ah a specification of the age of marriage. What exists only is a fixed standard of sound judgment or mental maturity<sup>(13)</sup>. Majority of mazoons, in this study, think that age of first marriage is appropriate from a health perspective because it is the age of physical and mental maturity.

Families and girls themselves may simply do not know that laws against early marriage exist<sup>(14)</sup>. However, in the current study, nearly 93% of this study participants have ever heard about the law and 78.5 % know that it is at 18 years.

In a study conducted in Assuit governorate, in 2010, to determine the prevalence of early marriage and to explore the factors of such marriage<sup>(15)</sup>. Early marriage was 11% in the age group (12-15) and 21% in the age group (16-18). In the current study, about quarter of study participants (25.4%), from Souhag, were married before 18 years. 8.6% in Menoufia were also married in their childhood, in addition to the 1.2% who were married below 14 years old.

The context of early marriage must be understood within the context of poverty, cultural and religious beliefs. About 70% of the study participants believe that financial causes are the main drives for child marriage. It has been stated that "countries with the highest rates of early marriage are also the countries with the highest rates of poverty and highest population growth rates"<sup>(16)</sup>. Poor families feel they have fewer resources to invest in other options

for girls<sup>[17]</sup>. Many families perceive their daughters as economic burden<sup>(17, 18)</sup>. Other drives involve preserving the girl's honor (21.5%) as well as that the religion mandates it (11.9%). In many societies, parents are under pressure to marry off their daughters as early as possible in an effort to prevent girls from becoming sexually active before marriage as these girls are expected to bring dishonor to their families if not married early<sup>(18, 19)</sup>. In the study conducted in Assuit governorate: Tradition and girls protection were the main perceived reasons<sup>(15)</sup>.

## Conclusion& Recommendations

Despite legislations forbidding child marriage, the law moves into one direction and factual life moves into the opposite direction. There are still marriages performed while the wife's age is below the legal age of marriage. Customary marriages may take place with or without formal registration until the girl reaches the legal age of marriage when official registration is feasible and can be undertaken. This happens to get rid of the girl who is usually considered an economic or social burden on her family. In order to put an end to that harmful practice of the marriage of children, there is a need for an integrated approach: enforce law implementation through continuous supervision and monitoring of the marriage registries in the governmental courts where the marriage's files are archived, ensure the contents of the law is understood by the community and the individuals so to strengthen social accountability and law ownership, and treat the radical reasons for early marriage of children including poverty, religious misconceptions and cultural justifications.

**Conflict of interests** none

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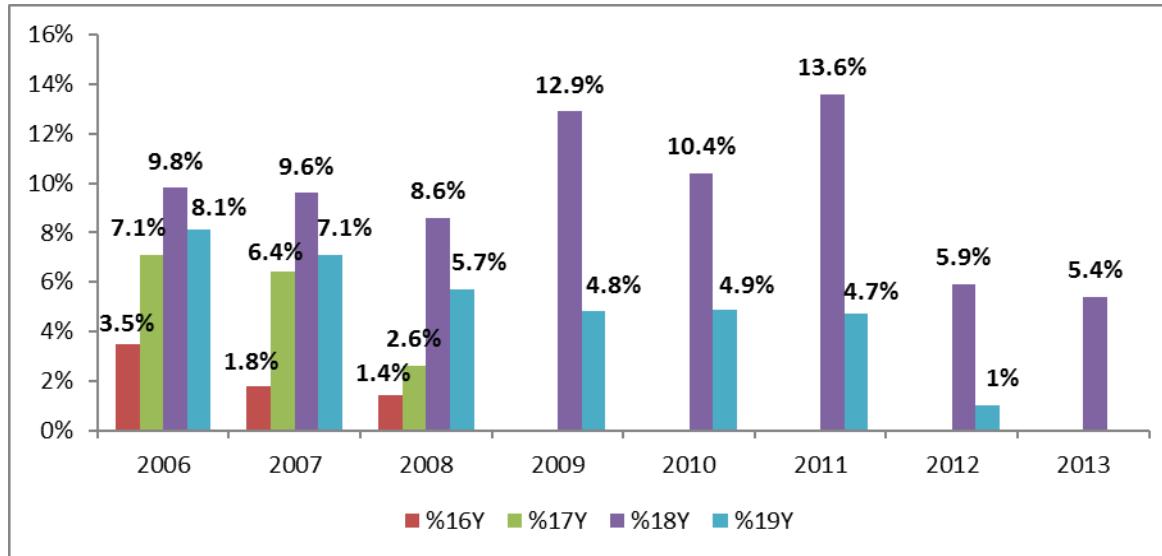
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**Table 1 Comparison of the awareness and perceptions of study participants towards the Law and its implementation in their local communities by governorate**

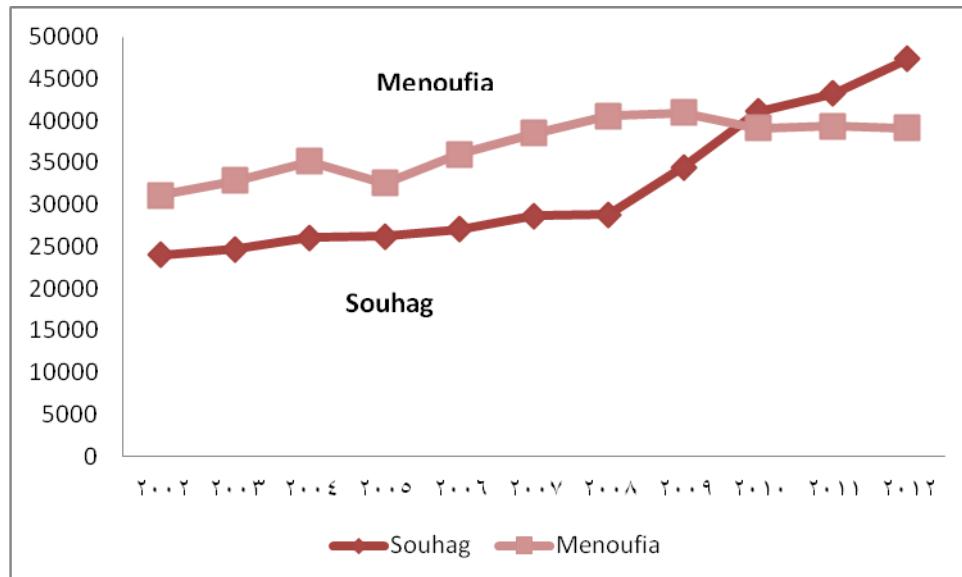
Awareness, attitudes and perceptions about the law	Shebeen (Menoufia)		Akhmeem (Souhag)		Total		P
	N = 130	%	N=130	%	N=260	%	
<b>Ever noticed child marriage</b>	85	65.4	112	86.2	197	75.8	0.001*
<b>Drives for early marriage</b>							
Financial causes(wealthy groom/Get rid of the girl's expenses/ To improve the family's condition	84	64.6	97	74.6	181	69.6	0.036*
Fear of being never married	49	37.6	45	34.6	94	36.2	0.783
Preserve girl's honor	39	30	17	13.1	56	21.5	0.001*
Religious mandate	26	20	5	3.8	31	11.9	0.001*
<b>Awareness about the law</b>							
Ever heard about the law	119	91.5	123	94.6	242	93.1	0.232
Know the legal age at marriage	113	86.9	90	69.2	203	78.1	0.01
<b>Perceptions towards the law among those who are aware of it</b>	Shebeen (Menoufia)		Akhmeem (Souhag)		Total		
	N = 119		N = 123		N=242		
<b>Appropriateness of the law to the community needs</b>							
Very appropriate	40	33.6	19	15.4	59	24.4	0.002*
Appropriate	68	57.1	61	49.6	129	53.3	0.385
Not sure	6	5	23	18.7	29	12	0.001*
Not appropriate	4	3.4	18	14.6	22	9.1	0.002*
Not appropriate at all	1	0.8	2	1.6	3	1.2	0.561
<b>Perceptions about implementation of the law in their community</b>							
Routinely implemented	85	71.4	58	47.2	143	59.1	0.001*
According to circumstances	30	25.2	47	38.2	77	31.8	0.025
Never	4	3.4	18	14.6	22	9.1	0.001*

**Table 2 Comparison of the awareness and perceptions of study participants towards the Law and its implementation in their local communities by sex**

Awareness, attitudes and perceptions about the law	Males		Females		Total		P
	N=64	%	N=196	%	N=260	%	
<b>Ever noticed child marriage</b>	43	67.2	154	78.6	197	75.8	0.05*
<b>Drives for early marriage</b>							
Financial causes(wealthy groom/Get rid of the girl's expenses/ To improve the family's condition)	21	32.8	67	34.2%	88	33.8	0.840
Fear of being never married	24	37.5	64	32.7	88	33.8	0.477
Preserve girl's honor	19	29.7	37	18.9	56	21.5	0.05*
Religious mandate	8	12.5	23	11.7	31	11.5	0.870
<b>Awareness about the law</b>							
Ever heard about the law	61	95.3	181	92.3	242	93.1	0.417
Know the legal age at marriage							
<b>Perceptions towards the law among those who are aware of it</b>	Males		Females		Total		P
	N=61		N=181		N=242		
<b>Appropriateness of the law to the community needs</b>							
Very appropriate	19	31.1	40	22.1	59	24.4	0.155
Appropriate	33	54.1	96	53	129	53.3	0.886
Not sure	5	8.2	24	13.3	29	12	0.292
Not appropriate	3	4.9	19	10.5	22	9.1	0.190
Not appropriate at all	1	1.6	2	1.1	3	1.2	0.583
<b>Perceptions about implementation of the law in their community</b>							
Routinely implemented	45	73.8	98	54.1	143	59.1	0.007*
According to circumstances	10	16.4	67	37	77	31.8	0.003*
Never	6	9.8	16	8.8	22	9.1	0.815



**Fig 1: Percent of Married Girls<20 years by Age from Total Married in Shebeen (Menoufia governorate) (2006-2013)**



**Fig 2 Trend of the Number of Marriage Ratify Contract in Menoufia and Sohag Governorates (2002-2012)**