THE SOCIAL CONCEPTION OF EARLY MARRIAGE AND ITS VIOLATION AGAINST CHILDREN’S RIGHT AS SEEN IN NUJOOD IN ALI AND MINOUI’S I AM NUJOOD AGE 10, AND DIVORCED

AN UNDERGRADUATE THESIS

Presented as Partial Fulfillment of the Requirements for the Degree of Sarjana Sastra
in English Letters

By

ROSA DAHLIA YEKTI PRATIWI
Student Number: 064214069

ENGLISH LETTERS STUDY PROGRAME
DEPARTMENT OF ENGLISH LETTERS
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SANATA DHARMA UNIVERSITY
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LIFE IS EITHER A GREAT ADVENTURE
OR NOTHING

(Helen Keller)

IT IS NOT THE MOUNTAIN
WE CONQUER, BUT OURSELVES

(Edmund Hillary)

IF YOU CANNOT BE A POET,
BE THE POEM

(David Carradine)
Lembar Pernyataan Persetujuan

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Pada tanggal 12 Juni 2012

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Rosa Dahlia Yekti Pratiwi
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This is to certify that all ideas, phrases, sentences, unless otherwise stated, are the ideas phrases; and sentences of the thesis writer. The writer understands the full consequences including degree cancellation if she took somebody else’s ideas, phrases or sentences without proper references.

Yogyakarta, 23 June 2012

Rosa Dahlia Yekti Pratiwi
I dedicated these simple pages for:

MY BELOVED FAMILY,

And

anyone who waiting for this thesis done
ACKNOWLEDGEMENTS

First of all, I would like to thank God and the nature, for His never ending blessing and guidance throughout my whole life.

I would like to express my biggest gratitude for my advisor, Drs. Hirmawan Wijanarka, M. Hum., for the precious advices and guidance. My biggest gratitude also goes for my co-advisor, Tatang Iskarna, Ss, M. Hum. I also thank to my examiner, Elisa Dwi Wardani, Ss, M. Hum, for all the correction given to this thesis. To my second advisor (Widiana Widie) thank you for your time that has been disturbed by my million grammar mistakes...ahaha. Love you girl!

To my friends in Faculty of Letters especially for “DuaribuEnams”, we are rock man!!! To Pingites and Anak Pingit, bunch of thank for your “simple” love in my simple live. To all of Petualang ACI 2011 Detikcom, thank you for every single experiences that makes me mature in nature. To all of 1 Buku untuk Indonesia crews (Chendy, Anjar, Febi, Iren, Kenan, Ajojing, Brama, Galuh, Nita), having you seems like having a great family with full of craziness, pals! To BUKIT, it’s crazy being single fighter within it. Let’s move on… Let’s catch our big dream!

For my best pals, (Alexandra Tafira Oktiani, Arshanti Bimalia, Anna Elfira P Assa, Chendy Maya, Murni Rahayu, Widiana Martiningsih, Tigana Marbun, Hario Adi Nugroho, Lukas Gembong Hadi, Stefannie Dhea, Sepi Kogyo and Damar Purnomo) Thank you for your supports in every single step, shoulder when I am crying, and advice when I have no word to say. I feel very grateful for the moment that I have shared together.

To my lovely parents (Sugeng Widodo & Sri Maryanti), and my big grandfather (Hadi Surahman), I have no exact words to show how big my love for you. For my Brothers (Sri Widodo Eko Saputra, Muhammad Hoegeng Saputra, and Ragil Ueng Saputra), my sisters (Indah Hati Kusumawati and Rinawati), my Nephews (Adam Djanu Pangestu and Robben Bintang Tidar Widodo) thank you for your never ending love for me. You are the greatest treasure I have ever had in life. To my beloved daughter (Chita Joanda Nierum), you are ordinary girl with extraordinary love. My awesome scooter, Tole! Thanks for your time to take me around the world. Let’s rock the road, dude! My big hugs are for you all, dear.

Last but not least, my gigantic gratitude goes to my big brother (Abram Widi Wibawa) Thank you deeply for being not only a brother, but also a father, a mother, a sister, and a friend during in Jogia… Whoever you are right now, you were my strength when I was weak, my voice when I could not speak, and my eyes when I could not see. Take care of yourself, dude 😊

Rosa Dahlia Yekti Pratiwi
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ABSTRACT


DelphineMinoui is a reporter and also a novelist. Most of her writings concern the Middle East issue. One of her works that criticizes the Middle East issue is I Am Nujood Age 10, and Divorced. The novel tells about Nujood who becomes the victim of early marriage. Early marriage is a common issue in the Yemen. Parents believe that early marriage is a good thing. They marry her daughter off for many reasons such as economical reasons, religious belief, and also tribal belief.

There are two problems formulated in this thesis. The first is how the setting of Yemen revealed a social conception about early marriage. The second problem is what kind of violation on children that happen as the impact of Yemeni’s social conception on early marriage.

The method used is a library research. There are two theories and United Nation Convention on Right of Child is also referred. The theories are; theory of setting and theory of marriage. The approach used in conducting the analysis is socio-historical approach.

The first result of this study shows that the poverty happen in Yemen after the civil war happened. The poverty is one of the reasons for parents to marry her daughters off at young age. Besides, religious belief and tribal proverb encourages them to marry their daughter off earlier. Parents think that early marriage is a positive thing; it even becomes the way out of their economical problem. Second, unfortunately, their social conception of early marriage violates nine rights of children as a human. Those rights are; (1) right to be protected, (2) right to live with her parents or family who cares for her, (3) right to be protected from kidnapping, (4) right to ague her opinion, (5) right to be protected from being hurt, in her mind or body, (6) right to have a good education, (7) right to play and rest, (8) right to be free from sexual abuses, (9) right to be unsold and to be protected from any kind of exploitation or being taken advantage of.
ABSTRAK


Ada dua permasalahan dalam skripsi ini. pertama adalah bagaimana setting Yaman mengungkapkan konsepsi masyarakat tentang pernikahan dini. Kedua adalah apa saja jenis pelanggaran hak anak yang terjadi sebagai dampak konsepsi masyarakat Yaman tentang pernikahan dini.


CHAPTER I

INTRODUCTION

A. Background of the Study

There are so many literary works that have been written in this world. They are classified into many genres, such as drama, poetry, prose, essay, and novel. Through literary works, the readers can understand the way the author looks toward the world as literary works are the representation of the way the author perceives the world. Literary works are also categorized as fiction and nonfiction. Fiction is written based on the imagination or not based on facts. Nonfiction is a work written based on the facts or reality. One of the samples of nonfiction is a novel. Referring to Welleck and Warren in their book Theory of Literature, a novel is a picture of real manner (1956:216). A novel may become the means for the author to give criticism or satire to their society, or to express ideas.

Delphine Minou is a freelance journalist for French daily newspaper, Le Figaro, L'express, L'Expansion, La vie, Radio France, who is concerned in the Middle East’s issues. Besides writing articles in newspapers, she also writes novels. Through her novels, she criticizes the issues happened in the Middle East. One of her works, which is criticizing the issue of Middle East, is Les Pintades a Teheren. In that novel Minou tells about the life of Irani women, whose rights and freedom are violated. Besides Les Pintades a Teheren, she also wrote I am Nujood Age 10 and Divorced with Nujood Ali. The novel tells the story of Nujood
Ali, a Yemeni third grader and a divorcee; and has been the winner of Glamour Magazine’s Woman of the Year award. The novel grabbed enormous reader’s attention worldwide, particularly for Nujood’s bravery to ask for a divorce to the court when she was only ten years old. Throughout this work, Minoui reveals how early marriage gives bad impacts towards the children as the victim.

Too Young to Wed: The Lives, Rights, and Health of Young Married Girls by Sanyukta Mathur, Margaret Greene and Anju Malhotra said:

Worldwide, more than 51 million girls between the ages of 15 and 19 are married. This report is based on demographic health surveys conducted in various countries around the world that document marriages of persons above 15 years. (2003:1)

Referring to that quotation, it is obvious that early marriage happens in some countries around the world and it has become one of the world’s big problems. To solve the problem of early marriage, some countries and international agreements have set eighteen as the minimum legal age for one to get married.

According to a 2010 report issued by the United Nations Children Fund (UNICEF), Yemen is in the first rank of 9 countries in the Middle East in terms of the child marriage, with 32 % of women aged twenty to twenty-four got married before Age eighteen (www.childinfo.org). Child marriage or early marriage is carried out for some reasons. One of the reasons is that early marriage is considered as a solution for the family to get rid of economical problem. Some families even see their daughters as economic assets for the payment of a dowry, in the form of money or gifts, offered to the bride by the groom prior to marriage. Yemeni also believes that early marriage will save their daughter form raping and therefore will also save the family’s honor. In Yemen, people have believed since
many years ago that early marriage is a positive thing. In fact, however, some of the brides lost their human rights as a child and some even experienced abuse, physically and mentally, from their husband and his family.

Early marriage has a tendency of violating children’s rights. Naana Ottoo-Oyortey and Sonita Pobi in their book *Early Marriage and Poverty Exploring Links for Policy and Programme Development* defined early marriage as any form of marriage that takes place before a child has reached eighteen years. Marriage is a legal institution in social pattern for adult who is ready, mentally and physically, to enter the marriage life. Before reaching eighteen years old, children should enjoy their life as children. If they get married before eighteen, it means that many of their rights such as the right to go to school, to play, to be protected from mental, physical, and sexual abuses, will be violated.

In this undergraduate thesis, the writer will analyze the violations against children’s right caused by the Yemeni’s social conception on early marriage as experienced by Nujood. The analysis, will discuss how early marriage causes the bad impacts towards the bride as it is violating their human right as children.

B. Problem Formulation

In this thesis, the writer formulates two questions to answer in the analysis. Below are the problems:

1. How does the setting reveal the social conception about early marriage in Yemen?
2. What are the violations of children’s rights caused by the social conception of early marriage?

C. Objectives of the Study

The objective of this study is to figure out the impacts of Yemeni’s social conception on early marriage towards the children’s right as seen in Delphine Minouï’s *I am Nujood Age 10 and Divorced*. The objective is to be achieved by firstly analyzing the setting as described in the novel, then moving further to find the way the setting reveals the social conception on early marriage. The second objective will be achieved by finding out the violations of children’s rights caused by the social conception of early marriage as represented by Nujood.

D. Definition of Terms

In order to avoid ambiguity, the writer listed and gave a brief explanation of the terms that will be used in this thesis.

1. Social conception

Based on *Oxford Advanced Learner’s Dictionary*, social is connected with society and the way it is organized (1995:1225)

While the conception refers to *Longman Dictionary of Contemporary English* defines conception as the general idea about what something is like, or a general understanding of something. (2001:372). Referring to those definitions, social conception is a general understanding shared by a society about something.
2. Early marriage

Naana Otoo-Oyortey and Sonita Pobi defined early marriage in their book *Early Marriage and Poverty Exploring Links for Policy and Programme Development* as any form of marriage that takes place before a child has reached 18 years (2003:8).

3. Child’s right

Referring to the *Longman Dictionary of Contemporary English the third edition*, child is defined as a young person from the time they are born until they are age fourteen or fifteen (1995: 303). Right in the *Longman Dictionary of Contemporary English the third edition* explain as the freedom and advantages that everyone should be allowed to have (1995:1556). Therefore, child’s right is the freedom and advantages that belongs to young person under age fifteen and it should be preserved and provoked.

4. Violation

Referring to the *Random House Webster’s College Dictionary*, violation defines as the act of violating or the state of being violated. (2001: 1458)
CHAPTER II

THEORETICAL REVIEW

This chapter is to accommodate the substantial reviews relevant to the topic of this study. The first part is the review on related studies of Delphine Minoui’s novel *I am Nujood Age 10 and Divorced*. The second part is the review on related theories. In this part, the writer will mention some theories that are related to the topic of this analysis. The last part is the theoretical framework which contains explanations about the functions of those studies and theories, as well as the application of those theories to this study. These reviews are used as a guidance to answer each question in problem formulation in the previous chapter.

A. Review of Related Studies

*I am Nujood, Age 10 and Divorced* is the fourth novel written by Delphine Minoui. Among her works, only *I am Nujood, Age 10 and Divorced* that has been translated into many languages such as Yemen, English, and Indonesia. Moreover, those Minoui’s works are talking about Middle East issue. Most of Minoui’s works were talking about Middle East issues. Among her works, *I am Nujood, Age 10 and Divorced* is the fourth and the only novel that has been translated. As the latest work, *I am Nujood, Age 10 and Divorced* has attracted the readers’ attention as they would wonder how brave and courageous Nujood was.

*I Am Nujood, Age 10 and Divorced* by Nujood Ali with Delphine Minoui is the heartbreaking story of Nujood and her family. Nujood really is quite a brave young lady – she was even named a woman of the year for 2008 by Glamour magazine. I am always in awe of those who have the inner strength that she does.
Every reader agreed that this novel is totally inspiring for them, especially for women around the world. More surprisingly is that the inspiring story was based on a little girl who had divorced of the age of ten years old.

Child marriage has been a common practice in Yemen in both rural and urban areas. There are a lot of cases of child marriage experienced by girls under fifteen years old. The data from Human Right Watch described that,

Girls may be married as early as 12 or 13, especially if the girl is wedded to a close relative. In rural areas, such as Hadhramawt and Hudaida, girls may be married as young as eight, and in Mukalla around 10. The age of marriage in urban areas is slightly higher. Of the 31 girls and women Human Rights Watch interviewed in Sanaa, all but one were married between the ages of 12 and 17, with the majority married before age 15. (2011:15)

Nujood is not the only Yemeni girl who had to get married at early age. Human Rights Watch has conducted the interviews with some of the child marriage victims in Yemen. One of the interviewes was a girl named Kawkab.

I used to like school, especially English. I wanted to teach English, but my family made me enter the house and the kitchen. (Human Rights Watch interview with Kawkab M.Sanaa, September 2, 2010.)

From the Kawkab’s statement above it is obvious that the family did not support their children’s appeal to study. Instead they violated their children’s right to study and made them enter the marriage life before it was time to.

Other case of early marriage is Kawkab’s case. She had to drop her secondary education when she was forced to get married.
I used to like going to school...I was sad when my mother forced me to leave. I wanted to be a doctor. (Human Rights Watch interview with Arwa K., Sanaa, September 2, 2010.)

This study focuses on the impact of the Yemeni’s social conception on early marriage, which is believed as a positive thing. Through this study, the writer will reveal the way Delphine Minoui criticizes the social conception of Yemeni about the early marriage that violates the children’s right.

B. Review Of Related Theories

To analyze the problem formulation, the writer uses three theories. These theories are aimed to reveal the impacts of the social Yemeni’s conception on early marriage as seen in Nujood character.

1. Theory of Setting

Holman and Harmon in their book *A Handbook to Literature* (1986:465) defined setting as the physical, and sometimes spiritual, background against which action of a narrative takes place. They mentioned that there are four elements in setting.

a. The actual geographical location, its topography, scenery, and such physical arrangements as the location of the windows and door in a room,

b. The occupation and daily manner of living of characters

c. The time or period in which the action take places
d. The general environment of the characters, for example, religious, mental, moral, social, and emotional condition through which the people in the move.

According to Harvey in *Character and the Novel*, the social environment basically refers to the society that is taken mostly in the novel. The social environment shows a social condition of people who live there. (1965:56)

Meanwhile, Langland explained that society is understood not merely as people and their classes, but also customs, conventions, beliefs and values, their institutions – legal, religious, and cultural – and their physical environment. In brief, society remains everything we have seen it to be – norms, conventions, codes, backgrounds, places, people, institutions – but its particular manifestations in a novel will be determined by its role within the work (1984:6-7).

Moreover, Genette in *Narrative Discourse* explained that society or social setting refers to everything related to the society’s life in a certain place, which is being described in the story. It includes the customs, tradition, belief, ideology, the way of thinking, and behaving, and perhaps the social status of the character (1980:33, 35).

2. Theory of Marriage

Every society has some form of marriage. In every complex society governed by law, marriage exists as a public legal act and not merely a private romantic declaration or religious rite. Schwarz explained that marriage is a permanent union between man and women and is legalized by the authority of the stage.
Related with that permanent union, it is hoped that marriage happens just once during the life time and it cannot be separated, except by death (1956:218).

As mentioned in his book *Marriage for Moderns*, Bowman defined marriage as something much more than mating. Marriage is a legal institution in a social pattern which consists of attitudes, ideas, ideals, and also legal restriction. (1954:2).

Since marriage is much more than mating, people decided to get married for some reasons or even several reasons combined. Referring to Bowman, there are some reasons for people to get married.

People marry for one a number of reasons or for a combination of several of them. Such reasons as love, economic security, the desire for a home and children, emotional security, parents’ wishes, escape from loneliness of from a parental home situation, money, companionship, sexual attraction, protection, notoriety, social position, and prestige, gratitude, pity, spite, adventure are obvious and need no further explanation. (1954:29).

As a legal institution, marriage has a standard age to allow for happiness in household. Bowman in his book *Modern Marriage* divided age into 5 aspects of maturity. They are chronological age, physical age, mental age, social age, and emotional age. Furthermore, he explains 3 of the aspect of maturity.

1. **Chronological Age**

Bowman defined chronological age as the number of our age as determined by the year we were born.

“An individual’s chronological age is the number of years he has lived. It is based on the number of leaves he has torn from the calendar and determines
the number of candles on his birthday. When a person is asked how old he is, he gives his chronological age” (1954:94).

2. Physical age

In his book, Bowman explained maturity of a person as seen by the physical age. He said that physical age of man and woman can be seen through puberty.

At puberty a child’s sex organs, which have remained more or less dormant, begin to develop and to function in a more nearly adult fashion. (1954:96)

Puberty is a phase of human which makes the organ develops and works optimally. For boys, the sign of puberty can be identified by the time voice changes, his muscle increases in size and pubic hair appears. While for girl, it can be seen when the breasts grow, pubic hair appears, the pelvis broadens, and first menstruation comes.

Menstruation is an indication of adulthood in which a girl will take pride if she has had proper instruction, especially if the parents follow through and begin to treat her as a young woman. As one girl said on the day of her first menstruation, “Mother, you’ve got to treat me as a lady now.” (1954:97)

Through that quotation it is obvious that menstruation is not only as one of the signs of a girl’s puberty, but also leads to a change of status as well as being and entrance to a new phase of existence.

People have different phases in getting puberty. Most children reach their puberty at about thirteenth or fourteen years old, but in exceptional there are also few girls who reach puberty earlier at eight years old or before.
3. Mental age

Based on Bowman’s theory, mental age depends on the equipment and the achievement of the individual. Establishing norms for various age levels can be done by studying the behavior of large groups, then comparing an individual to the norm to determine his or her relative advancements or retardation. The retardation can be found in a person who is chronologically and adult but having the mental equipments and achievements of a young child. (1954: 99-100).

The decision to marry has to consider the aspects above. The couple has to pass the standard age of marriage. As it will bring the couple to the happiness of a family. However, for some reasons, society often decides to marry off their daughters earlier, which mean that the marriage is carried out before the couples reach eighteen years old.

It Early marriage is also recognized as abusive to the children rights because it violates children’s right and causes bad impacts towards the couple. According to a research article of *New Insightson Preventing Child Marriage, A Global Analysis of Factors and Programs*, which is conducted by International Center for Research on Women (ICRW), there are some consequences of early marriage. They are maternal health, infant health, education and economic status, and domestic violence and decision making.
3. A Summary of the Rights under the Convention on the Rights of the Child

United Nations Children fund (UNICEF) as a branch of United Nation (UN) has a mission to advocate for the protection of children’s rights, to help meet their basic needs and to expand their opportunities to reach their full potentials. UNICEF declared the Convention on the Rights of Child. The convention consisted of some articles that ruled out the right for children with the hope that all children in the world would have the same rights. The rights below were defined and agreed by the countries legally listed as the United Nation’s member.

**Article 1**: Everyone under 18 has these rights.

**Article 2**: All children have these things, no matter who they are, where they live, what their parents do, what language they speak, what their religion is, whether they are a boy or girl, what their culture is, whether they have a disability, whether they are rich or poor. No child should be treated unfairly on any basis.

**Article 3**: All adult should do what is best for you. When adults make decisions, they should think about how their decisions will affect children.

**Article 4**: The government has a responsibility to make sure your rights are protected. They must help your family to protect your rights and create an environment where you can grow and reach your potential.
**Article 5:** Your family has responsibility to help you learn to exercise your rights, and to ensure that your rights are protected.

**Article 6:** You have the right to be alive.

**Article 7:** You have the right to a name, and this should be officially recognized by the government. You have the right to a nationality (to belong to a country).

**Article 8:** You have the right to an identity – an official record of who you are. No one should take this away from you.

**Article 9:** You have the right to live with your parent(s), unless it is bad for you. You have the right to live with a family who cares for you.

**Article 10:** If you live in a different country than your parents do, you have the right to be together in the same place.

**Article 11:** You have the right to be protected from kidnapping.

**Article 12:** You have the right to give your opinion, and for adults to listen and take it seriously.

**Article 13:** You have the right to find out things and share what you think with others, by talking, drawing, and writing or in any other way unless it harms or offends other people.
**Article 14:** You have the right to choose your own religion and beliefs. Your parents should help you decide what is right and wrong, and what is best for you.

**Article 15:** You have the right to choose your own friends and join or set up groups, as long as it isn't harmful to others.

**Article 16:** You have the right to privacy.

**Article 17:** You have the right to get information that is important to your well-being, from radio, newspaper, books, computers and other sources. Adults should make sure that the information you are getting is not harmful, and help you find and understand the information you need.

**Article 18:** You have the right to be raised by your parent(s) if possible.

**Article 19:** You have the right to be protected from being hurt and mistreated, in body or mind.

**Article 20:** You have the right to special care and help if you cannot live with your parents.

**Article 21:** You have the right to care and protection if you are adopted or in foster care.

**Article 22:** You have the right to special protection and help if you are a refugee (if you have been forced to leave your home and live in another country), as well as all the rights in this Convention.
**Article 23:** You have the right to special education and care if you have a disability, as well as all the rights in this Convention, so that you can live a full life.

**Article 24:** You have the right to the best health care possible, safe water to drink, nutritious food, a clean and safe environment, and information to help you stay well.

**Article 25:** If you live in care or in other situations away from home, you have the right to have these living arrangements looked at regularly to see if they are the most appropriate.

**Article 26:** You have the right to help from the government if you are poor or in need.

**Article 27:** You have the right to food, clothing, a safe place to live and to have your basic needs met. You should not be disadvantaged so that you can't do many of the things other kids can do.

**Article 28:** You have the right to a good quality education. You should be encouraged to go to school to the highest level you can.

**Article 29:** Your education should help you use and develop your talents and abilities. It should also help you learn to live peacefully, protect the environment and respect other people.
Article 30: You have the right to practice your own culture, language and religion - or any you choose. Minority and indigenous groups need special protection of this right.

Article 31: You have the right to play and rest.

Article 32: You have the right to protection from work that harms you, and is bad for your health and education. If you work, you have the right to be safe and paid fairly.

Article 33: You have the right to protection from harmful drugs and from the drug trade.

Article 34: You have the right to be free from sexual abuse.

Article 35: No one is allowed to kidnap or sell you.

Article 36: You have the right to protection from any kind of exploitation (being taken advantage of).

Article 37: No one is allowed to punish you in a cruel or harmful way.

Article 38: You have the right to protection and freedom from war. Children under 15 cannot be forced to go into the army or take part in war.

Article 39: You have the right to help if you've been hurt, neglected or badly treated.
**Article 40:** You have the right to legal help and fair treatment in the justice system that respects your rights.

**Article 41:** If the laws of your country provide better protection of your rights than the articles in this Convention, those laws should apply.

**Article 42:** You have the right to know your rights! Adults should know about these rights and help you learn about them, too.

**Articles 43 to 54:** These articles explain how governments and international organizations like UNICEF will work to ensure children are protected with their rights. ([www.un.org](http://www.un.org))

Those points used as the guidance for children to be viewed as the equals of adults for many purposes and keep them from the discrimination and any kind of exploitation acts toward the children.

4. **Review of Social Condition of Yemen**

Yemen is located in Middle East, bordered by the Arabian Sea, Gulf of Aden, and Red Sea, between Oman and Saudi Arabia. With most of the land are deserts climate is hot and humid along the West coast. The temperature in Western mountains is affected by the seasonal monsoons; while it is extraordinarily hot, dry, harsh desert in the East. Yemen has no water area, raising an environment issue of very limited natural fresh water resource, inadequate supplies of potable water; overgrazing, soil erosion and desertification.
Most of the Yemenis are Arab, Afro-Arab, South Asians, and Europeans. They speak Arabic as their daily language. The majority of Yemenis are Sunni Muslims, living mostly in Southern and central Yemen, but Zaidis (a branch of Shi’a Islam) make up a large minority living mostly in the North. Islam is the state’s official religion. There are also small communities of Yemeni Baha’is, Christians, and Jews.

The nation declared their independence in 22 May 1990 and has 20,727,063 population in the area of 527,970 sq km (July 2005 est.). More than three quarters of Yemen’s population live in rural areas. Yemen is one of the countries in the world that belongs to the United Nation, officially joined the United Nation in 30 September 1947.

Patriarchal is the system of the social life in Yemen. Most of the countries in the Islam country placed patriarchy system in the society. Patriarchy system placed men dominant in the society than women. That makes women’s right was limited by this system. Hence, Yemeni women face a wide range of issues.

The quotation below shows that there is an unequal position in the society between men and women.

Women’s issues are a crucial part of any political agenda and nowadays large numbers of women demand equal rights with men in all fields. As part of this fight, many organizations that support women’s issues add their efforts to defend women’s rights and reach a real equality with men. (http://www.yobserver.com/2008)

Child marriage is a common issue in Yemen, which is done by the parents for various reasons. Parents will withdraw their daughters from school to get married,
to help with household chores, or to care for smaller children. There are three common reasons for parents to married their daughters off earlier are:

First, many very poor families view young girls as a financial burden, prompting them to marry their daughters off to alleviate that burden.

Second, some families also see their daughters as an economic asset because of the payment of a dowry, in the form of money or gifts offered to the bride by the groom prior to marriage. According to article 33 of Yemen’s Personal Status Law, a dowry is a woman’s possession and she can do whatever she pleases with it.

percent, according to a Sana’a university study. It is due to poverty, culture, mistaken beliefs and the social complexes that are rampant among individuals that are not easily dissolved, especially in rural areas and villages. (http://www.yobserver.com/2010)

Based on that quotation, it is clearly that early marriage happened in rural areas and villages because of such reason as mention above.

Referring to Leah Sawalha Freij, Ph.D. in her paper “Safe Age of Marriage” in Yemen: Fostering Change in Social Norms A Case Study, she said that in Yemen, 47% of girls were married before the age of 17. The girls said that the marriage was not their choice, but their father’s. (:3)

Third, in traditional societies like Yemen, marriage the family may also regarded marriage as a means of protecting girls from pre-marital sex, which would be a disgrace to the family. And lastly, sometimes girls themselves see marriage as their only option, especially for those who have left school at an early
age. The consequences of child marriage can be devastating and long lasting. Researches on child marriage conducted by experts and organizations have shown that most girls who get married at young were removed from school.

C. Theoretical Framework

The writer focuses the study on the violations of the Yemeni’s social conception about early marriage towards children’s right. The theories mentioned above will be used to help the writer answer the problems. The first theory, theory of setting, is used to describe the setting of the novel and how the setting reveals the social conception on early marriage. This theory consisted of some points which are used to analyze the setting of Yemen. Then the second theory, theory of marriage, aims to explain marriage as a legal institution. The last is the United Nation Convention on Right of Child which is used to analyze the violations of early marriage towards children’s right as seen in Nujood.
CHAPTER III

METHODOLOGY

A. Object of the Study

The writer uses a novel entitled *I Am Nujood, Age 10 and Divorced* which was written by Delphine Minoui and Nujood Ali. This novel is based on the true story experienced by Nujood as a child widow. This novel is the 2nd edition which was published by Three Rivers Press New York in 2010. The first edition of this novel was published in French in 2009 as *Moi Nojoud, 10 Ans, Divorced* by Michel Lafon Publishing. By the following days, it was translated into many languages, such as English, Indonesia, and Yemen.

The inspiring story of Nujood’s struggle to gain her freedom has grabbed a big attention from around the world. Her story was published in many mass media such as newspapers, TV networks, and feminist organizations media. Moreover, after her case was completed, there were two other married young women came to the courthouse to ask for divorce. It is obvious that Nujood has made a significant change in her society, which particularly influenced young married women. She has been an encouragement for others who have experienced similar issue, to struggle against early marriage.

This novel is grabbing an enormous reader’s attention in the world, and definitely for Yemeni. In Yemen, early marriage is a common issue. Most of
parents decided to marry off their daughter for many reasons; such as, security, social believed and economical reasons. Nujood, ten years old Yemeni girl, was one of the Yemeni girls who experienced early marriage. She was married off by her father to a man who was three times older than her. After she got married, her life changed. She did not go to school anymore; she experienced mental and physical abuses from her husband and her mother-in-law. The abuse led her to ask for a divorce, which was then granted by the court.

Nujood has broken the Yemeni’s social conception which perceives early marriage as a good or positive thing. She described how early marriage gave not only bad impacts to her, both physically and mentally, while also violating her rights as a child.

B. Approach of the Study

In analyzing Minoui’s *I Am Nujood, Age 10 and Divorced*, the writer uses the socio-historical approach. According to Peter Barry in his book *Beginning Theory (2nd Edition)*, Socio-historical approach places a literary text within the context of its social and historical background to search for its meaning (2002: 17).

As Wellek and Warren said in his book *Theory of Literature*, literature is a social creation. He stated that literature is a social institution which plays its role in representing the life or social reality. Moreover, literary work can play its role as a document that records social realities which are artistically portrayed by the author (1956:102).
This approach is used in this analysis to study the socio – cultural life in Yemen. After reviewing the socio – cultural life in Yemen, it will be used to reveal and analyze the social conception on early marriage that is believed as a positive thing.

C. Method of the Study

In writing this analysis, the writer uses library research method. The writer collected the sources from the novel as the main resources and supported by theories, dictionaries, and internet.

The analysis is done in several steps. Firstly, the writer searched in the internet about the information of this novel, *I Am Nujood Age 10 and Divorced*. Then the writer read it again twice. After finished reading the story, the writer determined a topic to be analyzed. The second step was to propose the problem formulations based on the topic. Then, the third step was to start doing library research. In this step, the writer tried to find the related studies and also theories to help answer the problem formulation. The writer gained the review and theories from various related books, previous thesis, and also articles from internet, such as bermudaunion.org, childinfo.org, and yobserver.com. The fourth step was to answer the problem formulation using the theories mentioned in chapter 2. The first problem was answered by using the theory of setting and theory of marriage. The second problem would be answered using the United Nation is Convention on Children’s Right and the result of the analysis on the first. The last step was to set
a conclusion based on the result the analysis of the study by applying and relating all data collected.
CHAPTER IV

ANALYSIS

To analyze the two problem formulations above, the writer divides this chapter into two parts. The first part will analyze how the author describes the setting and the way it reveals the Yemeni’s social conception on early marriage. To analyze it, the writer uses the points explained in Holman and Harmon’s book about theory of setting. Besides, the writer also uses the review of the social condition of Yemen as the guidelines for the analysis. The second part will analyze of the violation of the Yemeni’s social conception on early marriage towards children’s right as seen in Nujood’s character. As the guideline, the writer uses the United Nation Convention on Rights of the Child that was made by the United Nation and agreed by the members, including Yemen.

A. The Setting of Yemen and the Social Conception on Early Marriage seen in the Novel

Yemen is one of the countries in the Middle East. It is bordered the Arabian Sea, Gulf of Aden, and Red Sea, between Oman and Saudi Arabia. Yemen is a rich land and has become a target for colonization. Colonizers such as Britain, Persia, Portuguese, Ottoman, Turkey and Russia they were fighting to occupy Yemen. They were interested in Yemen’s potentials such as oil, honey, captivity music, poetry and spicy cuisine. Many archeologists have also come to Yemen to conduct researches on the architecture and the ruins.
Grown-ups say that this Arabia Felix has always been the object of envious desire because of its thousand and one treasures. Foreigners covet its oil; its honey is worth its weight in gold; the music of Yemen is captivating, its poetry gentle and refined, its spicy cuisine endlessly pleasing. From around the world, archeologists come to this country to study the architecture of its ruins. (2010: i)

In the following years, the invaders have gone but leave lasting impacts to the society, which asked at least until 1990. Yemen has experienced a series of civil wars. There have been many conflicts in Yemen. The rich land has suddenly changed to a poor land where many girls and boys become beggars along the streets instead of going to school.

Other villagers had already come to seek their fortunes here only to run into a wall of problems. Some men had been reduced to sending their wives and children to beg for coins in public squares. (2010: 6)

Poverty can be found in many areas in Yemen. Most of the men tried solve it by sending their family members to the street to be beggars. That has been the only way out of their financial problem because they are illiterate which make it hard for them to get a good job.

One of the areas that experiences poverty as the impact of colonization is Khardji. Khardji is a rural village where Nujood was born. The condition of Khardji fits the meaning of the name Khardji itself, which in Arabic means “outside”. This village is not too far from Hajja, an important city in northwestern Yemen, to the North of Sana’a. Geographically, it is located at the end of the city. To visit this tiny lost locality from the capital, it requires at least four hours on paved road, and the same again over sand and rubble. In Khardji people live in poverty. There are only five little stone houses. There is no public building such
as medical center, grocery store, garage, barber, city hall or even mosque. Khardji is difficult to reach by car. The only transportation is mule because the road is too risky to pass by cars or any other transportation.

Our village was all the way at the end of the valley, far from any medical facilities, and Khardji was only five little stone houses without any grocery store, garage, barber, city hall, or even a mosque. There was no way to get there except by mule. Only a few brave pickup drivers dared take the rocky path along the edge of the ravine, a road so bad they had to change their tires every two months. (Minoui, 2010:4)

Not only does Khardji have no those buildings, Khardji also had no public healthy or hospital. The limited healthy center forces the pregnant mothers to give birth without medical assistants; sometimes only helped by their own daughters or neighbors. Definitely, the deliverance becomes highly risky. Sometimes new babies died because of the absence of medical assistance.

My mother bore sixteen children. For her, each pregnancy was a real challenge. She mourned three miscarriages in silence, and she lost one of her babies at birth. And because there was no doctor, four of my brothers and sisters, whom I never knew, died of illness between the age of two months and four years. (Minoui, 2010:4)

As other Yemeni, Nujood and her family also had to face the poor facilities in her village. Living with her parents and eleven siblings was complicated one. Every room in her house does not work properly according to their functions. Her family’s poverty is described through her house facilities such as toilet and the rooms.

It was a simple life, without electricity or running water. Off behind a bush, the toilet was just a hole within low brick walls. Decorated modestly with a few cushions lying on the floor, the main room of our home returned into a bedroom at night (Minoui, 2010:5).
Moreover, they had no good daily manner. When taking meals, they did not use dining utensils, so they eat straight from the serving dishes. It showed that they did not even know table manner.

By imitating our parents, we learned to eat straight from the serving dishes. No plates, no forks, no knives, that’s how we see eat in the villages of Yemen. (Minoui, 2010:4)

Yemen, particularly Khardji, is a dry area mostly covered by deserts. People need a lot of water to save them from dehydration. The clean water is rarely founded in the Khardji. River becomes the only wellspring where people do most of their activities there, such as laundry and washing dishes. People hang their lives onto a small river flowing through the village.

As soon as I learned to walk, the river became one of my chief haunts. It flowed post only a few yards below the house, and was quite useful to us: Omma did our laundry there, and rinsed out the cooking pots after every meal in its clear waters. (Minoui, 2010:5)

As other Islamic countries, patriarchy is the social system prevailing Yemen. In Islam culture, men are the head of the family. The whole family member ought to obey what is ruled by father. Patriarchy is a system in the society where men play bigger role than women. Everything in the society is ruled by men, while women would have to follow the men. Men also become the decision maker in the whole sections of life. Women cannot argue or decide something within the family or the society. Even married women cannot reject their husband’s desire to marry another woman. Therefore, it is not a surprise to find a man with two or more wives.
In Khardji, the village where I was born, women are not taught to make choice. When she was about sixteen, Shoya, my mother, married my father, Ali Mohammad al-Ahdel, without a word of protest. And when he decided four years later to enlarge the family by choosing a second wife, my mother obediently accepted his decision. (Minoui, 2010:4)

“According to Yemeni law, it is difficult for you to file a complaint against your husband and your father,” he told me. (Minoui, 2010: 19)

Male domination also happened in Nujood’s family. Her father made all the decisions without consulting with his wives and children. When he wanted to marry Nujood off to a man, he refused to hear his wife and Mona’s argument. When Nujood was made to marry a man three times older than her age, Mona, Nujood’s sister, did not agree because Nujood was too young to get married. However, Mona could do nothing because it was her father who had the right to make the decision.

... and I have always obeyed the orders of my father and brothers. Since forever, I have leaned to say yes to everything. (Minoui, 2010: 2)

When Aba returned home, his mind was already made up. And no one could change it. (Minoui, 2010: 12)

My mother never said a thing. She seemed sad, but resigned after all, she had wed through an arranged marriage, like most Yemeni women, so she was in a good position to know that in our country it’s the men who give the orders, and the women who follow them. For her to defend me was a waste of time. (Minoui, 2010: 13)

I knew that she was one of the few members of my family who had opposed my marriage, but no one had bothered to listen to her. (Minoui, 2010: 24)

The gender discrimination not only affects on the economic, family life and society, but also affects the education. There were schools in Khardji, but they were available mostly for the boys. Parents, like Nujood’s father, did not think that their daughters also need education like the boys.
School was reserved for them, since my father, a very protective man, considered girls too fragile and vulnerable to venture out alone on those almost deserted paths where danger lurked behind every cactus. Besides, neither he nor my mother knew how to read or write, so they didn’t really see any need for their girls to learn, either. Out in the countryside, most of the women are illiterate. (Minoui, 2010:5)

Based on the quotation above, it is seen that patriarchal system places men on a higher position than women. As experienced by Nujood, she had to obey her father and brothers. Since very early, she had to learn to say yes to everything the men said. It was reflected when she had to accept her father’s decision to marry her off when she was only ten years old.

The poverty experienced by the Yemenis influences the way of their thinking. They will do anything to save them from the poverty. Besides sending their wives and children to be beggars at the city square, they choose to marry their daughter off earlier. Based on the of United Nation’s research, Yemen ranked on the number fourteen of the countries with the highest early marriage issue in the world. Commonly, the bride is the one who becomes the victim of the early marriage because they are married to the man who is much older than her.

As Minoui explains in the epilogue, there are many factors that drive fathers to marry off their daughter in young age even before they reach puberty.

.."poverty, local customs, and a lack of education play a role." Family honor, the fear of adultery, the settling of scores between rival tribes--the reasons cited by the parents are many and various. Out in the countryside, adds al-Kadri, there is even a tribal proverb: "To guarantee a happy marriage, marry a nine-year-old girl." (Minoui, 2010:46)

Through that explanation, it is seen that economical reasons or poverty, tribal believe, lack of education and also the security issue to secure their girls from
raping become the reasons for the Yemenis to marry off their daughter earlier. That condition is also reflected in the social life of Nujood’s family. Her father decided to marry her off to Faez Ali Thamer, who was three times older than Nujood. As other fathers in Yemen, his reasons to marry Nujood to Faez are the family’s financial condition, the local custom, and also his obedience to the tribal proverb.

Nujood’s marriage was considered to reduce the family’s burden because she would be her husband’s responsibility. After Nujood’s family got a crash with her neighbor, they moved to live in the capital city. They left their house, cattle and memories about Khardji. Living in the capital city was worse than in the village because her father could not find a proper job. In the following days, he got a job as a sweeper for the local sanitation authority. His salary was far from enough to fulfill all the family needs. He had to earn living for his two wives and fourteen children. When he eventually lost the job as a sweeper and could not find a full-time job, the family’s life got much worse.

Aba had never been able to find full-time employment after losing his street-sweeper job, so we were always late with the rent, and the landlord regularly threatened to evict us.

To save money, Omma now cooked only rice and vegetable stews. She had begun teaching me how to help her with the household duties. We baked shafout, a kind of large pancake slathered with yogurt flavored with garlic and onion, and bint al-sahn, a delicious dessert prepared with honey. When my father brought home enough money, Omma would send one of my brothers out to buy a chicken she would cook for Friday, the Muslim holy day. Red meat? Forget it--too expensive. (Minoui, 2010:12)
Nujood was married off to Faez because her family condition getting worse. Her father expects a dowry from her marriage and it will be used to fulfill his family needs.

Yemen is an Islamic country; Islam is the state’s official religion. Moslem’s, including the Yemenis, believes that if they do what Mohammed did they would get merit and blessing, because Prophet Mohammed is a religious figure in Islam, who had to be followed and obeyed. As a Moslem, Nujood’s father also held such belief. When Mona, Nujood’s sister, tried to argue against her father’s decision, her father just said that it would be a good thing because Mohammed also did. He believed that marriage would also be the best thing for her as it will protect and save her from rape. In short, Nujood’s father reflected how the Yemeni’s believed in Mohammed and obeyed him.

That very evening, I overheard a conversation between Mona and our father.

"Nujood is way too young to get married," Mona insisted.

"Too young? When the prophet Mohammad wed Aisha, she was only nine years old," replied Aba. (Minoui, 2010:13)

Early marriage is also encouraged by the tribal proverb which prevailing the society, which said that marrying young girls would give happiness to the men. Hence, marriage is perceived as a positive thing for the men.

Later I learned that marriages to little girls are not unusual in the countryside, so or these people, I didn’t seem like an exception. There is even a tribal proverb that says, “To guarantee a happy marriage marry a nine-year-old girl” (Minoui, 2010: 16)
Based on the explanation above, the geographical condition of Yemen, particularly Khardji, influenced the social life of the society and their way of thinking. The lack of education makes people work just as shepherds, beggars, and sweepers in the sanitation, which absolutely will not give a big income. Consequently, the family has to live in poverty. To save their life, they made early marriage as the way out of their economic problems. The tribal and religious believe encourage the Yemeni to marry off their daughter earlier.

B. The Violations of Children’s Rights Caused by the Social Conception of Early Marriage seen in the Novel

One of the countries in world which has a problem of early marriage is Yemen. Early marriage is a common issue in the Yemen, especially for the citizens living in rural areas such as Khardji. Based on the United Nation’s data, Yemen’s issue of early marriage was ranked number fourteen in the world. Furthermore, by the same data, Yemen’s issue of early marriage ranked number one in the Middle East. To overcome the issue, the United Nation ruled out the eighteen years old as the standard age for one to get married. As a member of the United Nation, Yemen has to obey the whole rules that agreed by the member of United Nation.

In Yemen, there have been a lot of girls who was forced to get married at young age, but they kept their misery and did not try to seek help. Then, in the middle of 2008, Nujood appeared as the first person tells the whole misery she experienced after she was forced to get married. During the three months living as
married couple, Nujood often experienced physical abuse (beatings) from her husband. As the marriage was not her own intention and that she did not love her husband, the abuse eventually led Nujood to appeal to the court for a divorce.

The other cases of early marriages were also experienced by two Yemeni girls who were married off at young age. They were Arwa, nine years old, and Rym, twelve years old. They heard the news about Nujood’s divorce and directly decided to appeal to the court and asked for divorce, just like Nujood did.

After Nujood’s day in the court, two of the girls – Arwa, nine years old, and Rym, twelve—also undertook the legal struggle to break their barbaric bonds of matrimony. In neighboring Saudi Arabia, one year after Nujood’s historic court case, an eight-year-old Saudi girl married off by her father to a man in his fifties successfully sued for divorce—the first time such a thing has happened in that ultraconservative country (Minoui, 2010:46).

Through those quotations it is portrayed that early marriage is a common issue that experienced by many Yemeni girls. Then four of the cases are married off under age of fifteen years old. Marriage is targeted for men and women, not boy and girl (Schwarz, 1956:218). Nujood and three other girls are can not categorized because they were still far too young to be called women. Girls may consider a woman when they have already got their maturity, physically and mentally, while Nujood and the three girls were still children.

Then, as seen in the character of Nujood, she got married when she was ten years old. She was on the second year of her school. Even she had not already got her first puberty. Then, prior to the marriage, her father and her husband made a contract which is signed by her uncle, which forbade her husband to touch Nujood before she got her first menstruation. But then, her husband broke the contract. He
forced Nujood to have sexual intercourse on the first night after the wedding. Nujood had tried to resist, but her husband kept on forcing her to have sexual intercourse.

Marriage has a standard age to be allowed to reach the happiness in household. Those are signed by the maturity of a person (Bowman, 1954:94). In Nujood case, the first aspect is the chronological age, which is identified by the number of years he had lived. Nujood’s chronological age was ten years old, while the Yemeni government has already ruled out that the legal age to get married is fifteen. Based on the United Nation is statement, everyone under eighteen is defined as child. It can be said that actually Nujood was not ready yet to get marry as she was still a child.

Second, the maturity of person is signed by the physical age, which is identified by the puberty (Bowman, 1954: 96). When someone has already got their puberty, all of the child’s sex organs begin to grow optimally and to functions in a more nearly adult. The puberty means that their woman organs are already ready to be fertilized. Even though each person has a different phase of reaching their puberty, commonly they got it when they are thirteen or fourteen years old. In this case, Nujood could not be categorized as a mature adult because she had not got her puberty by the time she was married off to her husband.

Third, to reach the happiness in the marriage, the spouses should be mentally, which is known as the mental age (Bowman, 1954:100). A spouse will gain their happiness if they are aware about the marriage. Whereas, Nujood acts revealed
that her mental age has not been ready to enter the marriage life. It can be seen by the ways he resisted when her husband ask her to have sexual intercourse. Also, Nujood still had the childish desire to play outside with her friends.

Through Nujood’s decision to ask for divorce, it is obviously seen that she was not happy with her marriage. Her life has become full of misery as she felt that some of her rights were violated. The rights are particularly her rights as a child, which included the rights as follows:

1. **Violation on the Right of protection**

   Unconsciously, Nujood’s marriage violated some rights that concerned in protection. Referring to the Convention of United Nation on Right of Child, there are four rights of protection that were violated by early marriage. The entire of articles mentioned in the Convention of United Nation on right of child are made for all of anyone under eighteen years old. As in Nujood’s case of the rights of protection that were violated are;

   i) **Article 9**

   You have the right to live with your parent(s), unless it is bad for you. You have the right to live with a family who cares for you.

   One of the reasons Nujood was married off to Faez is the economical reason. Through Nujood’s marriage, her father expected that Nujood will be Faez’s responsibility and it will be good for Nujood. Then, after the wedding ceremony, Nujood had to move to Faez’s house. However, it was not Nujood’s own will to live separated to her family.
I just sat impassively in my corner of the main room, my face swollen from crying. I didn’t want to leave my family. I didn’t feel prepared. (Minoui, 2010:14)

The quotation above showed how painful Nujood was feeling about her marriage. She did not feel prepared to live separated from her family and had to live with her husband.

Living with her husband and his family has been full of misery for Nujood. As she experienced domestic abuses, and sexual abuses from her husband.

When beaten by her husband, Nujood sought for help. However, her mother-in-law did not protect her or even care about her. Instead, she let her son continued to beat Nujood even more.

Whenever he would complain about me, she would tell him hoarsely, “Hit her even harder. She must listen to you—she’s your wife.”

“Ya, beint!” he’d yell, and run after me again.

“You have no right!” I sobbed

“I’m tired of your whining—I didn’t marry you to listen to you snivel all the time,” he would shout, baring his big yellow teeth. (Minoui, 2010:22)

Based on article number nine, Nujood should have got a good treatment from her surroundings. In her new house, Faez and Mother-in-law did not treat her with love and care. On the contrary, she was frequently abused by her husband and mother-in-law. Therefore, the marriage has violated her right to be protected as a child by everyone who she lives in.
ii) Article 19

You have the right to be protected from being hurt and mistreated, in body or mind. (Minoui, 2010:22)

It was on the third day that he began hitting me. He could not bear my attempts to resist him. When I would try to keep him from lying down on the mat next to me after he’d extinguished the lamp, he would start to hit me, first with his hands, then with a stick. Thunder and lightning, over and over. And his mother egged him on. (Minoui, 2010:22)

As a child who was only ten years old, she should have got some helps from her surroundings, but in fact Nujood got none. During her life in the Faez’s house, her mother-in-law did not help her when Faez beat her.

It hurts me to be talked to that way, with such contempt, and he made fun of me in front of others. I lived in permanent fear of more slaps and blows. Occasionally he even used his fists. Every day, fresh bruises on my back, new wounds on my arms. And that burning in my belly. (Minoui, 2010: 22)

Every single slap and blow left marks on her body. Besides domestic abuse, she also experienced sexual abuse. Those abuses caused a permanent fear for Nujood. It proved that Nujood was not only abused physically but also mentally.

Nujood’s rights to be protected from the cruel acts that would hurt her mind her body were violated by the early marriage.

iii) Article 34

You have the right to be free from sexual abuse.

Marriage that was believed by the Yemeni as a positive thing even as the way out of their problem does not guarantee that the bride will reach happiness. That was experienced by Nujood. Nujood’s father decided to marry her off at young age because he had a fear that Nujood would be raped by the stranger. The fear
was a kind of trauma because two of her daughters were raped by stranger in young age. So, her father thought that Nujood’s husband would save her from raping at least until she gets her first puberty. To ensure that he would save her, her father and Faez Ali Thamer signed a marriage contract. The contract said that Faez was not allowed to touch Nujood before she got her first menstruation. The contract was signed by her father’s brother-in-law who acted as the notary because he was the only one who could read and write. The marriage contract was drawn up without Nujood.

Then, on the first night after her wedding, Nujood has already stayed in his house with her mother-in-law. There, Nujood was forced to sleep on the same bed with Faez. She was also forced to have sexual intercourse with Faez. Nujood who had known about the marriage contract, resisted Faez by referring to the contract. Still, Faez forced her to have sexual intercourse.

I would rather have never awakened. When the door crashed open, I was startled awake, and thought that the night wind must have come up unusually strong. I’d barely opened my eyes when I felt a damp, a hairy body pressing against me. Someone had blown out the lamp, leaving the room pitch dark. I shivered. It was him! I recognized him right away from that overpowering odor of cigarettes and khat. He stank! Like an animal. Without a word, he began to rub himself against me. (Minoui, 2010:16)

That night, Nujood tried to resist him and chase him away from her room. But he instead strongly that have been couple and would have to sleep on the same bed. Nujood also tried to call anyone in that house. She called her mother-in-law to ask for some help. But no one answered, Faez finally took her virginity. Nujood lost her virginity even before she got her first menstruation, as experienced by two
of her sisters. The marriage contract between Faez and Nujood’s family had been broken.

Her early marriage violated the right of child to be protected from sexual abuses. Indirectly, the marriage can be considered a kind of legalization of rape.

iv) Article 35 and Article 36

No one is allowed to kidnap or sell you.

You have the right to protection from any kind of exploitation (being taken advantage of).

Early marriage also violated the child’s right to be protected from any exploitation or being taken advantage of as experienced by Nujood. In this case, the marriage violated one of her right as a child because her father had taken an advantage from her marriage. Through her marriage, her father had the a dowry from the groom. The dowry was given to the bride’s family and might be used to fulfill their needs.

My dowry had been set at 150,000 rials, a sum equivalent to 750 dollars. (Minoui, 2010:14)

Then, in the courthouse, Nujood asked for a divorce to the judge. During the divorce process the judge asked many question to Faez related to his daily life within three months with Nujood. Faez did not tell the truth in answering the judge’s questions. Then, with bravery, Nujood revealed the truth. She said the truth about her life during the marriage, including her husband abusive treatment and the marriage contract that he had broken. Finally, Faez admitted the truth
and agreed Nujood’s demand to divorce, with the term that Nujood’s father should give a dowry back.

At that point, the monster announces that he is ready to accept the divorce, but on one condition: my father must pay back my bride-price. And Aba snaps back that he was never paid anything at all. It’s like a marketplace! How much? When? How? Who’s telling lies? Someone suggests that 50,000 rials (about 250 dollars) be paid to my husband, if that would allow the case to be closed. It would take a workman four months to earn that much money. I’m lost. Will everyone just finish up this business and leave me alone, once and for all? I’ve had enough of these grown-up quarrels that make children suffer. Stop! (Minoui, 2010:29)

The dowry that was given in the wedding three months ago had to be returned to Faez after he agreed to divorce. It seems like a market place where Faez could propose Nujood by paying a dowry to her father. The other way, Faez would accept her demand to divorce only if her father pay the dowry back. It means that both her father and her husband had taken advantage from Nujood. In other words, Nujood was sold to Faez, and when she was returned to her father, Faez took his money back.

It is obviously seen that her father took an advantage through the marriage between Faez and Nujood. By taking an advantage, it means that the marriage violated the article 36 of United Nation Convention on the Right of the Child about the protection from any exploitation.

Other words, her father’s expectation to protect Nujood from the rape by married her off to Faez did not work. In fact, Nujood lost her virginity before she even got her puberty as stated in the marriage contract. She also got domestic abuses from her husband. Furthermore, her father and her husband take an
advantage from Nujood. They seem like sell Nujood, return it and take the payment.

2. Violation on Right to Play

Article 31

You have the right to play and rest.

As a child, normally she had the right to play with her friends. It is also mentioned in the United Nation Convention on Right of Child that child has a right to play and rest. Unfortunately, her right was violated because she has been married.

One morning I asked her permission to go play with the children my age.

“You’re not on holiday here,” she grumbled.

“Please, just for a few minutes?”

“Impossible! A married women cannot allow herself to be seen with anyone—that’s all we need, for you to go ruining our reputation. We’re not in the capital here! In Khardji, people notice everything, hear everything, know everything. So you’d better be careful, and don’t you dare forget what I’ve told to you, understand? Or I’ll tell your husband.” (Minoui, 2010:22)

Through that quotation it seen that after the marriage, she lost her right to play with her friends. For the sake of her husband and family honor, the Yemenis believe that married women should be forbidden to play outside. As to preserve the family’s reputation.

Early marriage grabs her right as a child to play with her friends as other kids do. Before married, Nujood could feel happiness by playing outside with her
friends. However, the happiness was taken away from her once she was married to Faez.

3. Violation on Right to Access Education

**Article 28**

You have the right to a good quality education. You should be encouraged to go to school to the highest level you can.

Right before her marriage, Nujood was forced to leave her school. It was her second year in the school. Nujood, who was smart and had a big curiosity felt that marriage is a kind of nightmare because she would have to leave something she loved. She had to leave her favorite subjects such as mathematics, Koran, and drawing. In school she liked to draw flowers, pears, villas with blue roofs, green shutters, and red chimneys during the drawing subject. Moreover, she could to memorize five pillars of Islam in the class. She loved her school, friends and the activities. For her, school seemed like a refuge where she could find happiness.

I had to adjust quickly to a new life: I had no right to leave the house, no right to fetch water from the stream, no right to complain, no right to say no. and school? Out of the question. even though I was dying to write my name in white chalk on a big blackboard and sit on a bench to hear the teacher tell us new stories. (Minoui, 2010:22)

It was impossible for Nujood to stay in the school because her husband did not allow her leaving the house. After the marriage, she lost all the chances to learn her favorite subjects. Unconsciously, the marriage had violated her right to develop her academic as her friends could.
4. **Violation on Right to Speak Up**

**Article 3**

All adult should do what is best for you. When adults make decisions, they should think about how their decisions will affect children.

Nujood’s marriage to Faez Ali Thamer violated Nujood’s right to speak because when the marriage done was not her own decision, but her father’s. He did not consult to Nujood about the marriage. When Nujood’s family arranged the marriage contract, she was also excluded from the decision making. She knew the marriage contract several days after it has been signed by her family.

Two days earlier, when the marriage contract had been signed, the event had also been men only, and occurred behind closed doors. Everything had happened without me. Neither my mother, my sisters, nor I had had any right to know how things had gone. (2010:14)

It is clear that the violating of children’s right occurred since the decision making that did not inculpate Nujood. Then, in the following days, her father decision is not the best because it hurts Nujood as mentally and physically.

**ii) Article 12**

You have the right to give your opinion, and for adults to listen and take it seriously.

Article twelve said that children have the right to give their opinion. As seen in Nujood’s marriage, she was not allowed to give her opinion regarding to, as well as marriage her being excluded from the marriage contract arrangement.

I had to adjust quickly to a new life: I had no right to leave the house, no right to fetch water from the stream, no right to complain, no right to say no. and school? Out of the question, even though I was dying to
write my name in white chalk on a big blackboard and sit on a bench to hear the teacher tell us new stories. (Minoui, 2010:22)

In her husband’s house, she was also forbidden to say no or to complain against something that she might not agree with. Clearly, it violated Nujood’s right to give opinion on anything.

Through that analysis it is seen that the early marriage has already violated nine of Nujood’s rights as children. She experiences sexual abuse, domestic abuse, mental abuse, was forbidden from playing and going to school, and was forbidden to express her opinion. The social conception on early marriage that was believed by the Yemeni as a positive thing and even as the way out of their problems in fact had turned out to be a bad experience for Nujood.
CHAPTER V

CONCLUSION

Delphine Minoui is a French journalist and a novelist, she concerned in the Middle East issues. One of her work that revealed the Middle East issues is *I Am Nujood, Age 10 and Divorced*. The novel tells the true story of a ten years old Yemeni girl who had to face the nightmare of child marriage. She was forced by her father to marry a man who was three times older than her. Because she did not love him, often got domestic and sexual abuses, was not allowed to play outside and to go school, she ran away from her husband’s house to her father’s second wives. There, she was advised to appeal to the courthouse and ask for divorce. Then, she met the judge and her case was processed. Finally, the judge granted a divorce to her. After her case was published by many mass media, two other girls who had similar experience as hers, decided to ask for divorce to the courthouse.

Nujood was not the first girl who was married at young age. In Yemen, child marriage or marriage under the age of 18 year old are common. But her case becomes the first case in the courthouse since previously there had been no young married girls asking for divorce.

Based on the analysis above, the writer concluded three things. First, Yemen is one of the countries which have a big issue on early marriage. Khardji is a small village where Nujood and her family live in. In Khardji, they live in poverty. They have no public facilities, stores, or even medical center.
Patriarchy is the system that prevailing in the society. Women have no right to say or argue anything the men said. As in Nujood’s marriage, her father did not consult her about it. He was the only decision maker. Nujood’s mother could also say nothing when her father decided to marry to Dowla, his second wife. As having more than one wife is a common in the Yemen.

They are also low – educated people, which lead to improper job and salary. It makes them do not get a good job and salary. Whereas men have to fulfill the family burden but their income or salary not much enough to fulfill it. As the result they are living in the poverty. They live with limited facilities. The poverty drove Nujood’s father, as the representation of Yemeni society, to marry her daughter off at young age. By marrying her daughter off, his family’s burden will be reduced and they would also get the dowry from the groom.

The marriage was also encouraged by the tribal proverb saying that the key happiness in marriage is that men should marry nine year old girls. Besides, Yemen is an Islam country. In Islam, Prophet Mohammed is guidance. They believed that what was done by Prophet Mohammed must have been a good thing. If they do what Prophet Mohammed did they believed that they will get merit and blessing from God. Those are the social conception in the Yemen on early marriage as revealed through the setting of Yemen.

Second, the writer can conclude that Nujood’s early marriage has already violated the theory of marriage itself. Nujood’s early marriage violated the standard age of marriage such as: (1) under the standard of chronological age, (2)
did before the bride get her first puberty, and (3) did when she was child and her mental age has not mature yet.

After being married for three months Nujood decided to appeal to the court and ask for divorce because she could no longer tolerate the domestic and sexual abuses her husband did. Besides, it is because she had realized that some of her rights as a child were violated. Then, she asked for a divorce to the judge. Her decision to divorce was the first case of child-divorce because there had been no one who decided to end their marriage by divorcing. Nujood’s divorcee has also influences two other Yemeni girls who experienced an early marriage too. They are Rym and Arwa.

Third, unfortunately, early marriage that was believed by the Yemeni as a good thing, in fact violated the bride, especially the rights as a child. Referring to the analysis in the previous chapter, there are nine rights that were violated by the early marriage. Those rights are: (1) right to be protected, (2) right to live with her parents or family who cares for her, (3) right to be protected from kidnapping, (4) right to argue her opinion, (5) right to be protected from being hurt, in her mind or body, (6) right to have a good education, (7) right to play and rest, (8) right to be free from sexual abuses, (9) right to be unsold and to be protected from any kind of exploitation or being taken advantage of.

Through Nujood’s experience the economical condition of Yemeni who lived in poverty, religious belief, and also the tribal proverb that was believed by Yemeni as represented by Nujood’s father encourages them to marry her daughter
off earlier. They believe that early marriage is good things for both of the parents and one who married. In facts, early marriage violated some rights of children. Nujood’e experiences as a child divorcee girl reveals that the Yemeni’s social conception on early marriage that is believed as a common issue has violated some rights of children as human. Precisely, an early marriage that was believed as a good thing is violated several rights of child as a human being.
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APPENDIX

*I Am Nujood Age 10, and Divorced* is written by Delphine Minoui and Nujood Ali. This novel is based on the real story of Nujood. Throughout this work, Minoui reveals how early marriage that was believed by Yemeni violates some rights of children.

The novel tells the story of Nujood Ali, a Yemeni ten years old and a divorcee girl. Nujood married off by her parents when she was ten years old to Faez Mohammad who is three times older than her. Nujood’s parents decided to marry her off earlier for many reasons such as economical reasons, religious belief and also tribal belief. Her father, as the reflection of Yemen’s society, thinks that early marriage is a way out for their problems.

Nujood’s father married Nujood off when she was ten years old because he thought that it will save Nujood from rape, economical problem, and it is follow what Prophet Mohammed did. Her early marriages also encourages by the tribal belief in the Yemen that said, to guarantee a happy marriage people have to marry nine years old girl.

Before the wedding, Nujood’s parents signed a marriage contract with Faez about the rule to not touch and having a sexual intercourse with Nujood before she got her puberty.

Unfortunately, Nujood life extremely changed after she got married. She has to live separately with her parents. She lives with her husband and mother-in-law. During three months, she got abuses, physically and mentally, from her husband. Besides, she forbidden to go school and play with her friends. Faez also breaks the
contract. He forces Nujoood to have a sexual intercourse with him. Finally, she run away from her house and went to her step mother. She advised to go to the court house to ask for divorce. Then, she goes to the court and asks for divorce to the judge. The judge guarantees her divorce after passing along process. Unfortunately, early marriage that was believed by Yemeni as a good thing violates some rights of children.

Through her divorcee, Nujoood breaks the taboo. In Yemen, early marriage is a common issue. Even early marriage issue in Yemen is the highest in the Middle East. Girls were married off by their parent at young at even too young to be spouse. But no one end their marriage in the court house asks for divorce. Nujoood is the first girl who brave to ask for divorce. After her divorce, there are two girls who have the same experience with Nujoood go to the court house and ask for divorce.

Poverty, tribal and religious beliefs encourage parents to marry her daughter off at young age. Parents think that it is a good thing. In fact, some rights of child are lost after they are entering the marriage.
Convention on the Rights of the Child

Adopted and opened for signature, ratification and accession by General Assembly

resolution 44/25 of 20 November 1989

entry into force 2 September 1990, in accordance with article 49

Preamble

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith infundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,
Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human
Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child, Recognizing the importance of international cooperation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:
PART I

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

**Article 4**

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

**Article 5**

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate
direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

1. States Parties recognize that every child has the inherent right to life. 2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

4. Where such separation results from any action initiated by a State Party, such as the detention,
imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter
their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

**Article 11**

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.

2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

**Article 12**

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.
Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

   (a) For respect of the rights or reputations of others; or

   (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

**Article 15**

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (order public), the protection of public health or morals or the protection of the rights and freedoms of others.

**Article 16**

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks.

**Article 17**
States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

(a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;

(b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;

(c) Encourage the production and dissemination of children's books;

(d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;

(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

**Article 18**

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the
child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention,

States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

**Article 19**

1. 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.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and
for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

**Article 20**

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

**Article 21**
States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;

(b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;

(c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

(d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;

(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.
Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, cooperation in any efforts by the United Nations and other competent intergovernmental organizations or nongovernmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.
Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination
of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

(a) To diminish infant and child mortality;

(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

(c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;

(d) To ensure appropriate pre-natal and post-natal health care for mothers;
(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

**Article 25**

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.
Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.
4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;
(d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

**Article 29**

1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

**Article 30**

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.
Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

   (a) Provide for a minimum age or minimum ages for admission to employment;

   (b) Provide for appropriate regulation of the hours and conditions of employment;
(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

**Article 33**

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

**Article 34**

States Parties 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

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the
needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.
4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

**Article 39**

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

**Article 40**

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:
(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(i) To be presumed innocent until proven guilty according to law;

(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;
(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected. 4. A variety of dispositions, such as care, guidance and supervision orders; counseling; probation; foster care; education and vocational training programs and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41
Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

(a) The law of a State party; or

(b) International law in force for that State.

PART II

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their
personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at
the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.

7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The Committee shall establish its own rules of procedure.

9. The Committee shall elect its officers for a period of two years.

10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.
12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

**Article 44**

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights

(a) Within two years of the entry into force of the Convention for the State Party concerned;

(b) Thereafter every five years.

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.
4. The Committee may request from States Parties further information relevant to the implementation of the Convention.

5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.

6. States Parties shall make their reports widely available to the public in their own countries.

**Article 45**

In order to foster the effective implementation of the Convention and to encourage international cooperation in the field covered by the Convention:

(a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;
(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

**PART III**

**Article 46**

The present Convention shall be open for signature by all States.

**Article 47**
The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

**Article 48**

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

**Article 49**

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

**Article 50**

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon
the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any 15 amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

**Article 51**

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such
notification shall take effect on the date on which it is received by the Secretary-General.

**Article 52**

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

**Article 53**

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

**Article 54**

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations. IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present Convention.