

IRAN: Abuse of 11-year-old child bride sees some lawmakers calling for reforms

Center for Human Rights in Iran (21.02.2019) – <https://bit.ly/2BXMMYa>– News of an 11-year-old girl in the Iranian city of Ilam being repeatedly raped after being illegally married off to a man four times her age has renewed protests by some members of Parliament against the law that allows child marriage.

The child, referred to by the pseudo name of “Raha” by media outlets, was placed in the care of the State Welfare Organization (SWO) following the intervention of a provincial prosecutor because the marriage had taken place without the approval of a local court as required by civil law.

But thousands of other child brides remain at grave risk in Iran, where there is no minimum marriageable age. For girls under the age of 13 and boys under the age of 15, families and husbands must obtain legal approval for the marriage.

In December 2018, the parliamentary Committee for Judicial and Legal Affairs rejected a bill to ban marriage for girls under the age of 13, prompting widespread condemnation from civil rights advocates.

According to UNICEF, 17 percent of girls in Iran are married before the age of 18 and three percent are married before the

age of 15. This number only accounts for registered marriages. In July 2016, Mohammad Kazemi, a member of Parliament's Judicial and Legal Affairs Committee, referenced the "unofficial marriages" that go unregistered in Iran "especially in the border regions and deprived parts of the country."

"Uprooting the child marriage phenomenon requires a multi-dimensional effort in cultural, social and educational fields," a lawyer who focused on rights issues when they were based in Iran told the Center for Human Rights in Iran (CHRI).

"But the most immediate step has to be the government putting an end to the law that in effect permits physical and psychological violence against young girls," added the source who spoke on the condition of anonymity.

The Imam Ali Society (IAS), an Iran-based non-governmental charity that provides support to vulnerable women and children throughout the country, was the first to report the news about Raha being married off to a man who is "almost 50 years old."

"Raha was saved from becoming a slave under a law that does not prevent and punish child marriages," tweeted the organization on February 11, 2019 referring to the fact that Raha would not have been removed from the home if her family had obtained the necessary legal approvals.

"Figures show that just in 1395 [the Iranian year ending in March 2017], 1,289 marriages were registered of girls under

the age of 14 to men over the age of 30,” said another tweet. “In 112 of those cases, the marriages were under circumstances similar to Raha’s, meaning the men were over the age of 40, and in six cases the men were over the age of 60!”

“Raha was lucky that her compatriots were able to hear her story. But what about the other children who are being traded far from public view?” asked IAS.

IAS group member Zahra Kahram said Raha’s case was accidentally discovered during the implementation of a project aimed at providing medical and psychological checkups to women in a rural part of Ilam Province’s Helilan region.

“The man has seven children from his first wife,” said Kahram. “Raha has not reached puberty and yet he has been having intercourse with her every night. She has suffered much physical and mental harm and cries constantly.”

“When the IAS looked into the marriage, we noticed that Raha had been forced to marry the man six months earlier in exchange for only 15 million tomans [approximately \$3,147 USD] paid to her family because of financial need.”

Later inquiries revealed that the marriage had taken place without fulfilling requirements stipulated in Article 1041 of the Civil Code including getting the father’s consent or the court’s approval for girls getting married before the age 13.

Article 50 of Iran's Family Protection Law stipulates punishment of six months imprisonment for men who get married without the necessary legal approvals and six months jail time for the child's father or legal guardian.

It also states that if it is proven that sexual relations caused a girl's death or "permanent physical disability or illness," the man would have to pay blood money and receive a fifth- or fourth-degree prison sentence.

According to Islamic law, Diyah, known as "blood money" in English, is paid as financial compensation to the victim or heirs of a victim in cases of murder, bodily harm, or property damage

In response to inquiries by the IAS and the SWO, Raha was placed in state care and moved to an SWO safe house. Warrants were also issued for the arrest of her father and the man she was married to. The latter was reportedly arrested on February 11.

Growing condemnation of child marriages

Word of Raha's case led to renewed condemnation of the unlimited marriageable age in Iran.

Labor and Social Welfare Minister Mohammad Shariatmadari and a number of lawmakers condemned the case and criticized child marriages despite the taboo in Iran of openly criticizing

politically sensitive state policies.

The day after Raha's case was reported, Ayatollah Asadollah Bayat Zanjani, a Shia theologian, also issued a fatwa stating that child marriage violates the principles of Islam.

"Getting married to children is an unjust act and because it's unjust it is not legitimate," he said.

There are several ayatollahs in Iran who can issue fatwas and Shia Muslims can choose which of these ayatollahs to follow as their point of reference for religious matters. That means a Shia Muslim could ignore Zanjani's fatwa if a different ayatollah has declared the opposite.

Zahra Saie, a member of the Parliamentary Committee for Social Affairs, also condemned child marriage after hearing about Raha's case.

"The studies we have carried out show that those who marry early have a higher divorce rate and naturally as a result suffer more," said Saie, a member of Parliament's Youth Faction. "Physiologically, the girls are more frail at that age."

She added: "In order to properly raise their children, today's mothers have to be educated and informed. Men and women have to be in a particular physical and mental condition in order for a successful family to take shape. Young girls and boys

who get married don't have a full understanding of life. Islamic theology does not restrict marriage at a certain age but if we want successful families we have to see what is the right age for marriage."

Reacting to the prosecutor's decision to remove Raha from the man's home, attorney Ali Mojtahedzade tweeted: "When a public defender, despite legal shortcomings, steps in to deal with a child marriage in Ilam, it is an indication that society has become more sensitive and concerned about these issues regardless of the powerful opponents."

Journalist and political activist Reza Bahrami asked: "Those who are against banning child marriage, do they have anything to say about the tragic case of an 11-year-old child marrying a 50-year-old man in Ilam?"

Journalist Hedi Kimiaee commented: "The prosecutor in Ilam has said that families who violate Article 50 of the Family Protection Law will be prosecuted. So that means we do have a law but we are not enforcing it. What is being done for other Rahas who are quietly victimized?"

Legal efforts to ban marriages to girls under the age of 13

Although the Parliamentary Committee for Legal and Judicial Affairs rejected a proposal to confront child marriages, there is still a possibility that it will be debated on the legislative floor.

“The Women’s Faction has asked the parliamentary leadership to include this proposal in the legislative process for further review so that we can look into various points of view and get the best results,” said lawmaker Zahra Saie.

Masoumeh Ebtekar, Vice President for Women and Family Affairs, also announced that her office is drafting a bill to eliminate Article 1041’s provision allowing the marriage of girls under the age of 13 and boys under the age of 15.

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