

Stolen Lives, Empty Classrooms

An Overview on **Girl Marriages**

in the Islamic Republic of Iran



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Justice for Iran

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What is Forced Child Marriage?

Forced marriages result from harmful traditional practices¹ justified in the name of cultural, economic, political and/or legal standards. Forced marriages are a phenomenon tantamount to slavery, as explicated in a report by a United Nations Special Rapporteur, and often affect boys and girls under 18 years of age, especially under 10.² Global statistics demonstrate that every minute an average of 27 girls are forced into marriage.³

In anticipation of the first International Day of the Girl Child, on 11 October 2013, a group of UN independent human rights experts have denounced the practice of forced marriage. “Girls who are victims of servile marriages experience domestic servitude, sexual slavery and suffer from violations to their right to health, education, non-discrimination and freedom from physical, psychological and sexual violence,” say the UN experts.⁴ Girls are often the most denied of the right to free consent in marriage and, under international law, all girl child marriages are considered as forced marriage and are rendered illegal.

Girl marriage is a phenomenon that affects a number of countries and regions, including Iran. In the case of the Islamic Republic of Iran, Article 1041 of the Civil Code states:

Marriage of girls before the age of 13 and boys before the age of 15 is contingent upon the permission of the guardian and upon the condition of the child’s best interests as determined by a competent court.

In 2012 alone, at least 1,537 girls below the age of 10 were forced to marry. During the same year, 29,827 girls between the ages of 10 and 14 faced the same fate. Experts believe Islamic Republic officials clearly do not want attention drawn to marriages involving girls younger than 13 because official statistics are not categorized according to age. This point of negligence is considered an intentional miscarriage of justice by

¹ Harmful practices are referred to in the Convention on the Rights of the Child (Article 24(3)), as well as CEDAW (Articles 2, 5 and 16)

² See 2012 report to United Nations General Assembly entitled “Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shahinian.” Thematic report on servile marriage. 10 July 2012. A/HRC/21/41. Available at: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-41_en.pdf [Accessed 7 October 2012].

³ <http://www.plan-uk.org/early-and-forced-marriage/>

⁴ <http://www.ohchr.org/EN/NewsEvents/Pages/IntDayGirlChild.aspx>

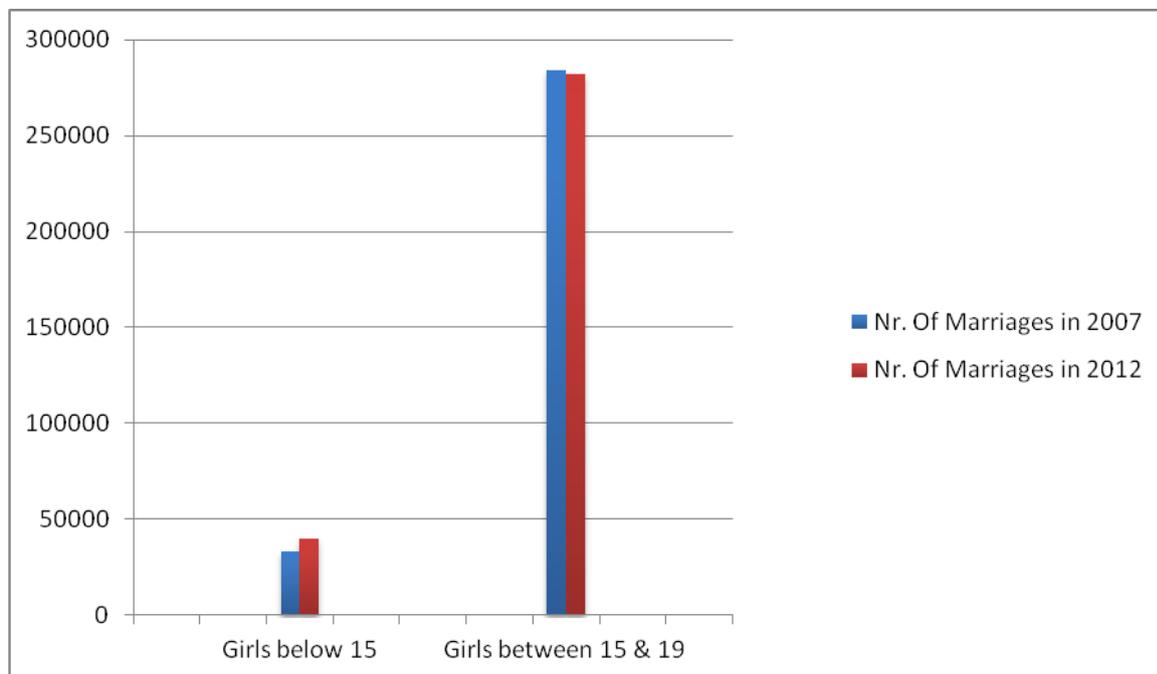
authorities aware that marriages involving girls below the age of 13 are contingent on a judge's permission.

Statistics in Iran from the past five years show a significant drop in the number of students enrolled in (all-girl) schools. For the past five years an increasing number of girl schools have been experiencing a significant drop in the number of students enrolled. Furthermore, the mortality rate for married girls below the age of 15 is five times higher than those over the age of twenty.⁵ In September 2013, the Iranian Parliament revised and approved article 27 from the Bill of Adopted and Neglected Minors, legalizing marriage between parents and adopted children (in particular girls). These signs point to an alarming development whereby children are forced into marriages that threaten their lives.

⁵For further information please see <http://womensissues.about.com/od/violenceagainstwomen/tp/TenFactsAboutChildBrides.htm> [Accessed 7 October 2012].

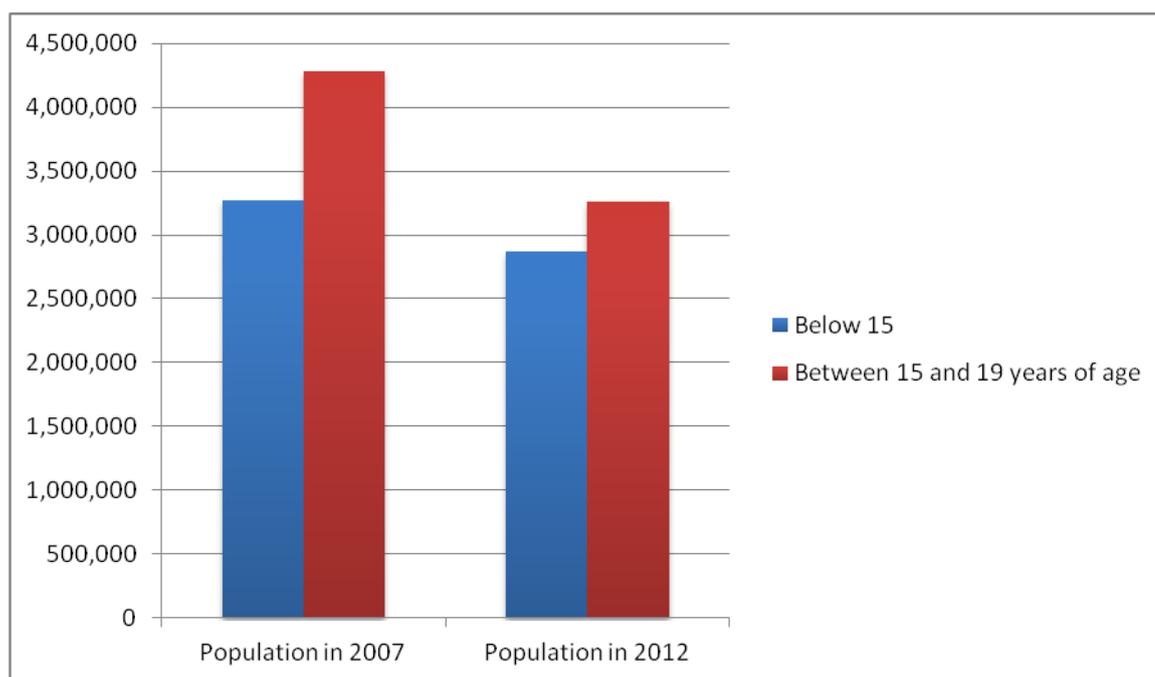
Statistics and realities

This brief report examines statistics issued by the Islamic Republic Personal Status Registration Organization and Iran National Statistics Office between 2007 and 2012. It closely examines the number of marriages in various Iranian provinces involving girl children under the age of 10, from the ages of 10 to 14 and 15 to 19. It should be emphasized that Islamic Republic authorities fail to record all cases of girl marriages. Accordingly, this report is limited in scope to statistics provided by state authorities and relies on reports where the actual number of cases far exceeds those reported.



Rise in the number of girl marriages below 15 years of age between 2007 and 2012. Drop in female population between 2007 and 2012.

Although the rise of girl child marriages may be partly due to economic and cultural factors-- such as poverty, changes in government subsidies in 2010, or corruption and international sanctions-- the focus of this report is on legal and statistical factors. This may be best represented through the direct relationship between the rise in the number of girl marriages and the significant drop in the number of girls enrolled in Iranian schools. For instance, the number of girls married each year may reflect the closure of 177 typical primary and secondary (all-girl) schools. However, figures do not account for children not registered in the school system.



Drop in female population between 2007 and 2012

Official statistics for 2012 reveal some provinces in Iran exceeding others in terms of registered girl marriages. In this year alone 1,537 girls below the age of 10 and 29,827 girls between the ages of 10 and 14⁶ were registered for marriage. In other words, every 15 minutes one innocent life is forced into a marriage that may result in the arrest of her development and her life to be threatened. Moreover, these statistics only cover 24 of the 32 provinces in Iran⁷ and include registered marriages while excluding manifold cases that go unnoticed simply because there are no records available:

Age	Number of registered marriages in 2012				
	Below 10 years	Ardebil 1411	Khuzestan 21	Central 21	Kohgiluyeh and Boyr Ahmad 17
14 to -10	Khorassan 6759	East Azerbaijan 3348	Central and Khuzestan 2150	Fars 1823	Mazandaran 1819
19 to -15	Khorassan 30411	Tehran 21594	Central and Khuzestan 19392	Fars 15607	East Azerbaijan 15052

Number of registered marriages for three age groups throughout Iran

⁶ This means that at least 1537 cases and definitely many more, depending on the number of girls below 13 years of age, were conducted after an Iranian court judge sanctioned the forced marriage.

⁷ These include: Kermanshah, North Khorassan, Sistan & Baluchistan, Chahrmahal & Bakhtiari, Kerman, Bushehr, Gilan, Kurdistan.

At 1,411 cases, Ardebil (a province in northwest Iran) has the highest number of marriages for girls below the age of 10; a number 67 times more than the next highest province. The daily average of girl marriages in Ardebil is four, which directly implies that in this particular city, judges routinely allow legal guardians to force their girls into marriage.

In effect, the pivotal element in the rise of the number of girl marriages in Iran, compared with other countries, is the role of judicial judges. Islamic Republic codes and laws make it clear the only condition under which an underage girl can be forced to marry is when a judge approves the marriage, and by implication, sanctions the rape of a girl child.

Furthermore, it is noteworthy that a judge has no obligation to approve such cases and is only obliged to do so if it proves beneficial to the welfare of the child. However, human rights standards emphasize that girl marriages are of no benefit to the child.

The judge, the legal guardian or father, and the husband are all accountable for the illegal act. However, while in accordance with international laws, due diligence on the part of state authorities to prohibit girl marriages and punish responsible private actors is essential. In the case of the Islamic Republic, the state must first be condemned for its failure to illegalize girl marriages by allowing such practices to continue legally based on certain conditions and by facilitating the registration of such a process as a legal act.

Domestic and International Laws

Domestic laws

The leader of the Islamic revolution, Ayatollah Khomeini, whose vision and words inspired the post-1979 Republic, has clearly written that sexual experiences, excluding intercourse, are permitted with girls of all ages. He stated: "Anyone who has a wife less than nine years of age is not allowed to engage in sexual intercourse, whether she is his permanent or temporary wife. However, other forms of sexual pleasures are permitted, such as touching with lust, hugging, and rubbing penis between the buttocks and thighs; even if she is a nursing baby."⁸ Three years after the establishment of the Islamic Republic in 1982, the legal age for marriage was lowered from 18 to 9 lunar years for girls and 20 to 15 lunar years for boys. Furthermore, during the process of revision of the Islamic Republic Civil Code, prohibition of marriage for individuals below the legal age was removed in its entirety. Later in 2002, the legal age for marriage in case of girls was raised to 13, while those below this age continued to face forced marriage at the consent of a legal guardian and approval by a court judge.

Article 1 of Iran's Child Protection Law states: "All individuals below the age of 18 shall enjoy the provisions of this law." Many articles in this law clarify the protection of the aforementioned age group from any "exploitation" leading to "physical, mental or moral damage to the child endangering their physical or mental health".⁹

Such codes imply that the laws of the Islamic Republic do not practically set a legal age for marriage and any child at any age may be legally married with no real consequences for those involved. Such practices condoned by Islamic Republic laws and Iranian culture stem from Sharia law, despite studies by scientists that point to the harmful results of marriage at such a young age.¹⁰

More recently, in September 2013, based on a recommendation by the Guardian Council, the Iranian Parliament revised and approved Article 27 of the Bill of Adopted and Neglected Minors and legalized marriage between adoptive parents and adopted children. Despite multiple objections by the public, Iran's Guardian Council approved Article 27 on 9 October 2013.

⁸ See Tahrirul-Vasileh, Vol. 2, p. 241, Rouhollah Khomeini.

⁹ See English translation of the law at:

http://www.law.yale.edu/rcw/rcw/jurisdictions/assc/iranislamicrepof/iran_child_prot_law_eng.htm [Accessed 7 October 2012].

¹⁰ See Oliayifard: <http://www.rahesabz.net/story/69084/> [Accessed 7 October 2012].

The original text of Article 27 states: “Whenever the guardian decides to marry, he must submit the personal information of the intended party to the court. In case of marriage, the [relevant] institution is responsible to report the marriage to the court so to ensure the legal conditions for continuation or termination of shared guardianship are decided upon. Note: Marriage during custody or after between the adoptive parent and adopted child is illegal.” However, the revised note to Article 27 states¹¹: “Marriage during the period of custody or thereafter between the adoptive parent and adopted child is illegal unless the court after consulting the [relevant] organization recognizes the marriage as beneficial to the adopted child.”

Despite much debate and opposition, Islamic Republic authorities have referred to Sharia law to legitimize relations between males and females in adopted families before and after the age of maturity. Experts believe the passing of this new law may impair social and familial relations in Iran by leading to the normalization of incestuous practices and the promotion of sexual relationships with children (a practice conducive to violence against children and tantamount to pedophilia according to international laws). Furthermore, this bill places minors at greater risk of abuse in the name of marriage legitimized by Sharia law.

Islamic Republic’s International Commitments

The Islamic Republic is a signatory to the International Covenant on Economic, Social and Cultural Rights (ICESCR). Article 10 of the ICESCR explicitly states: “Marriage must be entered into with the free consent of the intending spouses.”¹² The Islamic Republic is also a signatory to the Convention on the Rights of the Child, which sets the legal age at 18. A 2002 report of the relevant committee indicates that, in accordance with Article 77 of the Islamic Republic Constitution and Article 9 of its Civil Code, the Convention is binding and has the full force of law.¹³ However, in accordance with the Islamic Republic’s reservations following Sharia law, girls as young as 9 lunar years old may be defined as adults, and therefore, qualify for marriage. Similarly, Article 10 of the International Covenant on Economic, Social and Cultural Rights makes marriage conditional on the “free consent of intending spouses.” The same is stated in Article 23 of the International Covenant on Civil and Political Rights.¹⁴

The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery--ratified by the Islamic Republic-- considers forced marriage as a form of slavery, a practice prohibited by the Convention and

¹¹ See p. 8 at <http://www.shora-gc.ir/Portal/File/ShowFile.aspx?ID=bf0f1f83-377f-4250-a5cd-35c762fc89fa> [Accessed 7 October 2012].

¹² The full text of this document is available online at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ICESCR.aspx> [Accessed 7 October 2012].

¹³ Please see: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/4448a41dab88b4da802569000034deb0?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/4448a41dab88b4da802569000034deb0?Opendocument) [Accessed 7 October 2012].

¹⁴ See: <http://treaties.un.org/doc/Publication/UNTS/Volume%20999/volume-999-I-14668-English.pdf> [Accessed 7 October 2012].

reinforced by international laws. Arguments based on Sharia law and traditions have diluted this important argument and exposed an increasing number of children to the phenomenon of forced marriage and its consequent harmful effects, such as educational deprivation, economic disparity, marital rape, mental and physical abuse and violence.

Conclusion and Policy Recommendations

Girl marriages affect a growing number of Iranian children. Its hallmark is lack of freedom on the part of marital partners whose consensual agreement to marriage must be reached at 18 years of age, the age of maturity recognized in international laws for both genders. International laws and human rights treaties and conventions condemn forced marriages, particularly those involving persons below the age of 18. While the Islamic Republic is party to the vast majority of relevant international instruments, some of its national codes and laws legalize forced marriages involving children. This has directly affected a significant drop in the number of children who are deprived of basic rights, most noticeably education. Findings by Justice for Iran indicate that within the period between 2007 and 2011 the number of marriages involving girls below 15 years of age rose from 33,383 to 39,831.

In light of the above facts and findings, Justice for Iran recommends:

- Islamic Republic judicial and legislative authorities revise national codes and laws in accordance with international commitments regarding the age of maturity in order to illegalize marriage of girls below the age of 18 under all conditions.
- Islamic Republic's judicial authorities introduce national codes and laws to prohibit forced marriage.
- The new law must be revised in a way that prohibits any marriage with an adopted child.
- Islamic Republic judicial authorities to hold accountable the judges who are directly responsible for the approval of forced child marriage cases. Other private actors, including the guardian of the adopted child, must be held accountable as well.
- Islamic Republic authorities provide reparation for victims of girl marriages.
- Islamic Republic authorities sign the Convention on Consent to Marriage, Minimum Age For Marriage and Registration of Marriage with no reservation.
- Islamic Republic authorities sign the Convention of Elimination of Discrimination Against Women.
- United Nations and pro-human rights countries continue to address the serious violation of girl rights in Iran.
- Global South countries and members of the Non-Aligned Movement encourage the Islamic Republic to fully cooperate with United Nations mechanisms and procedures, including the Universal Periodic Review recommendations.