

An Echo of Silence

***A Comprehensive Research Study On
Early Child Marriage (ECM) In Iran***

By: Kameel Ahmady



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ACKNOWLEDGMENT

Since this research began two years ago, an enormous amount of time, effort and preparation has gone into quenching my insatiable personal interest for a deeper understanding of Early/Child Marriage (ECM) in Iran. On both professional and personal levels, it has been an intense challenging learning period for me. Although at times the scale and profound depth of ECM was overwhelming, simultaneously it also served as a source of motivation and inspiration to complete my work on this topic.

The seeds of this research study on ECM has its roots in the early days of my previous years of research on Female Genital Mutilation or 'Cutting' (FGM/ FGC) in Iran. After living in Europe for a number of years I returned to my birthplace Iranian Kurdistan in 2005. It was then that I discovered and learnt more about FGM.¹

I found ECM widespread and flourishing in abundance in Iran and discovered that both ECM and FGM are intertwined and function as gender based violence whilst operating under the guise of tradition and custom. What was immediately discernible was that ECM was widely accepted and carried on generation after generation. Although FGM is not a wholly unknown topic in my own area in Kurdistan and even within my immediate family, what became readily apparent during the field work on FGM that took place in four Iranian provinces, were the staggering number of interviewees who were married off at an early age. Shockingly, what was observable were the number of young girls, who were now wives and mothers, and the number of young boys who were now husbands and fathers. The vast majority were still children or very young teenagers. This heightened my interest to further explore ECM in Iran and to decipher whether or not there are parallels and a causal relationship between FGM and ECM. That was the beginning that eventually paved the way for this present research study on ECM in Iran which I now proudly present. It is our hopes that the enormous amount of information and data undertaken for the study will be eventually published in English and Farsi.

There is insufficient data on the practice and the repercussions of ECM in Iran. There is also scant acknowledgement from the Iranian government that ECM exists. Undoubtedly, the Iranian government's steadfast denial has led to a sense

¹ Kameel Ahmady, 2015-"in the name of tradition" Uncut voices, oxford 2016

of frustration and despair. I, along with a number of other like-minded researchers, would like to offer my support in encouraging the Iranian government to diffuse and galvanise a nationwide ECM awareness plan from the highest echelon to foster and initiate badly warranted research in this area. Adopting a robust multi-disciplinary plan to eradicate ECM is urgently needed. This can only be done by reaching out to those practising ECM communities and launching a dialogue amongst the relevant stakeholders to put into motion a comprehensive action plan that aligns and incorporates accepted universal human rights values. The Iranian Government is a signatory to a number of international children rights treaties and these commitments must go beyond its hollow rubber stamp approval. It is paramount that it should honour its international obligations. This wide spread failure to do so challenges the credibility of the Iranian government and contradicts The Vienna Convention on the Law of Treaties categorical statement that when a state ratifies an international treaty it establishes on the international plane its consent to be bound by a treaty.”

Such a multi-disciplinary plan would need to include, but not restricted to the following (for further recommendations please see Chapter Four): (1) engaging with community members and stakeholders (given the culturally sensitive nature of the topic); (2) initiating a national education programme, which should include, amongst other things, raising awareness on the dangers of ECM; (3) enacting laws to raise the marriage age and (4) implementing criminal sanctions for those practising ECM. The Government can take the lead from various international organisations such as UNICEF’s programmes, and from grass roots organisations, NGOs and Community Based Organizations (CBOs) in Iran in order to model a successful paradigm and campaign against ECM that resonates.

In undertaking this research I would like to express my gratitude to the numerous people who have immensely supported me. Many have contributed to this research study. I would like to thank my spouse, Shafagh Rehmani, whose unconditional support never wavered and my close friends and advisers who inspired me throughout the preparation of this research study.

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Last but not least, I would like to thank the interviewees who participated in the research study by allowing their thoughts and feelings to be an integral part of the echo surrounding ECM.

Kameel Ahmady

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ABSTRACT

It is a well-documented and undeniable premise that Early Child Marriage (ECM) dramatically effects and harms the physical, social, obstetrical and psychological well-being of young childrens' lives. ECM wreaks havoc with depressing regularity. Despite its proven harmful repercussions, in many developing countries ECM is seen as a positive economic tool that ameliorates the economic status and financially stability of the family. It fortifies bonds between families, ensures girl's virginity before marriage, controls what is deemed as negative sexual urges and avoids the possibility of a girl reaching an age where she is no longer desirable as a wife by a man or his family². Although ECMs affects both boys and girls, the harsh reality is that its impact is disproportionally harder on young girls.

The repercussions are harrowing and dire. Complications related to pregnancy and childbirth are the main causes of death amongst 15–19 year-old girls³. Equally devastating are the health consequences rendering girls vulnerable to sexually transmitted infections, including HIV. Our research study revealed that many were either ignoring of the gynaecological and obstetrical consequences of ECM, had limited knowledge and use of contraceptives and scarcely, if at all, used reproductive health services.

From a social perspective, ECM is an abrupt end to girls' education, her potential prospects to adult autonomy and the beginning of a minimisation of life choices. From a human rights and gender perspective, the practice of ECM is the further

² Alemu, B. 2007. Early marriage in Ethiopia causes and health consequences. International Centre for Research on Women.

³ Marrying Too Young, 2012, UNFPA, <https://www.unfpa.org/sites/default/files/pub-pdf/MarryingTooYoung.pdf>, Accessed 7/18/2016

continuation of gender oppression and harmful customary or traditional practices that result in sustaining gender inequality and subjugation. Girls are reduced to mere commercial commodities.

Early marriage is defined as the marriage before age 18.⁴ It is derived from traditional and conventional norms and its prevalence can be visibly seen in abundance in both urban and rural areas. It is not a newly emerging phenomenon in the world's history as it has always existed. What is relatively new is the emanating and significant public attention from scholars, governments, children rights groups, NGOs and various UN organisations that have joined the rising chorus of international condemnation of ECM.

An immediate consequence of ECM is the high level of school dropouts. As many of the females are in actually just school age girls when they are forced to be married, investment in their education is curtailed as their mere existence is seen through the prisms of marriage rather than through the prisms of what she could potentially achieved. A girl who has attended secondary school is considerably less likely to marry during adolescence, and in countries with a higher proportion of women with a secondary education, the ratio of women who marry as adolescents is lower. Undoubtedly investing in girls, developing their social and economic potential and ensuring their access to education and health services is a vibrant sign of gender equality that will translate into stronger societies and economies. Education is often seen as the key to prevent ECM.⁵ Women who are educated are healthier, participate more in the formal labour market, earn more income, have

⁴ United Nations Children's Fund (UNICEF), *Early Marriage: Child Spouses*, Florence, Italy: UNICEF, 2001.

⁵ UNICEF, 'Girls' Education: Introduction', website update as of November 2004, www.unicef.org/girlseducation/index.htm

fewer children, and provide better healthcare and education to their own children in comparison to women with little or no education.⁶

What is readily apparent is what take place when young girls entered into the biological phase of their development. Within the Iranian religious structure, puberty and menarche are considered to be the transitional pivotal point that signals the end of childhood and the beginning of adulthood. Reaching this biological threshold mechanically translates into eligibility and readiness for ECM regardless of the girl's biological age.⁷

Although recent data shows a dwindling decline in ECM, nevertheless a substantial proportion of young children are still married under the legal age of their society. It is a global issue but rates vary dramatically, both within and between countries. Nevertheless, in terms of proportions and numbers, most ECM takes place in rural sub-Saharan Africa and South Asia. Whilst attention has been focused on these above mentioned demographics, very little attention has been focused on ECM in Iran. Hence this study.

From the outset it is acknowledged that very little data is available on ECM in Iran. Despite this absence of comparative and independent studies, what is available from official Iranian government statistics reveal that annually tens of thousands of girls and boys under the age of 15 are married off by their families. According to Iran's Association of Children's Rights, the number of girls married in Iran under

⁶ Klugman, J., L. Hanmer, S. Twigg, T. Hasan, J. McCleary-Sills, and J. Santa Maria. 2014. Voice & Agency: Empowering Women and Girls for Shared Prosperity. Washington, DC

the age of 15 escalated from 33,383 in 2006 to 43,459 in 2009, a 30% increase within three years. The synergies amongst cultural norms and local customs, deepening poverty and parents' desire to control their daughters' sexuality play a significant role. These statistics are plausibly higher as ECM is ubiquitous and many families in Iran do not register underage marriages, or do so illegally.

The genesis of this research study is not a tragic lament on ECM but a scrutiny of the prevalence of ECM specifically in Iran by focusing on the multiplicity of various complex and prominent socio-cultural factors that contribute to and mirror this deep-rooted tradition. The purpose of the study was to gather in-depth and detailed evidence on the root causes of ECM in Iran by focusing on social attitudes, values and norms surrounding ECM and identifying the structural and environmental factors which influence its perpetuation. The research study dissects the rationales for ECM's continual existence and adherence by probing the various causes and entailing consequences of ECM. This study is the voice for the silent.

The objectives of this study are threefold : to expose the contexts in which ECM thrives, to demonstrate the prevalence of this harmful practice within the seven targeted provinces in Iran and to encourage decision makers to sharpen their focus on this urgently needed protection of girls' basic human right to decide who and when they will marry.

The study examines the mechanical acceptance of ECM that is influenced by norms that create and reinforce shared expectations about the culturally based attitudes towards women. Many of these attitudes are influential and dominant. These

attitudes are also in turn influenced by structural factors, such as a lack of education and poverty coupled with a crude reward system where marrying your female child mitigates poverty and reaps economic benefits.

Respect for girls' human rights requires that we prevent and eradicate ECM marriage and actively support not only those vulnerable girls who are already married but also the potential victims. It is the only course by which we can avert what otherwise is a senseless and endless tragedy of gender based violence. This study is a detailed presentation of ECM in Iran to order to bring to the surface the unspoken deplorable issue of early child marriage in Iran.

List of Abbreviations

CBCPMs Community Based Child Protection Mechanisms

CBOS Community Based Organizations

CEDAW Convention on the Elimination of All Forms of Discrimination against Women

CII Council of Islamic Ideology

CRC Committee on the Rights of the Child

CSW Commission on the Status of Women

FCAS Fragile and Conflict Affected States

FGM Female Genital Mutilation

GBV Gendered Based Violence

HTPS Harmful Traditional Practices

ICESR International Covenant on Economic, Social, and Cultural Rights

ICCPR International Covenant on Civil and Political Rights

ICRW International Cent

LMA Legal Minimum age at marriage
MFGs Millennium Development Goals
NGO Non-Governmental Organization
SDGS Sustainable Development Goals
SRH Sexual Reproductive Health
STI Sexually Transmitted Infections
UDHR Universal Declaration of Human Rights
UN United Nations
UNDP United Nations Development Programme
UNICEF United Nations Children's Fund
UNFPA The United Nations Population Fund
VAW Violence against Woman
WLUML Women Living Under Muslim Law
WHO World Health Organisation

CHAPTER 1

ORGANISATION OF THE STUDY

This study targets those young children who were unable to give full and free consent to their marriage partner as their patriarchal social obligations dictate otherwise. This study also addresses the multitudes of compelling issues imbedded in ECM including the link between ECM, FGM and polygyny.

The research study is structured in four main chapters. The first chapter presents an introduction to the narrative of early child marriages and cites literature review. The first chapter also looks at ECM's global prevalence in Iran and its corresponding historical roots. Chapter 1 presents comprehensive facts about ECM whilst simultaneously scrutinising Iran. This includes the similarities between ECM and FGM as a form of sexual violence that takes place in early childhood and paves the way for ECM. Its historical root causes, effects and global prevalence are examined.

Chapter 2 focuses on the determinative social roles in illustrating ECM's omnipresence in Iran, particularly the number of sociological, historical, legal and political facets that determine the shape and texture of these social systems and are ultimately responsible for ECM. Correlations of demographical policies, social and cultural norms and beliefs that undervalue girls and, in most cases, the absence of specific legislations on ECM's pervasiveness are reviewed. The second chapter analyses the mosaic various factors that contribute to the perpetuation of the practice and its underlying rationales. Additionally an analyses of the availability of religious, legal and political ideologies as tools of social change to eradicate the prevalence of ECM in Iran is explored. Chapter 2 also demonstrates

the imposing strangle hold grip of religion that is quite influential, if not preeminent, where ECM is highly supported by locals as a means of maintaining family dignity and honour. ECM as a logical and normal response to counter perceived notions of sexuality and patriarchal control is also examined in order to underscore and fully appreciated ECM's grip in Iran.

Chapter 3 provides further details on each province with respect to its geographical span, social norms of marriage and customs via provided statistical details. The seven tables of DHS questionnaires for each gender with tailored localized questions display a treasure trove of information about ECM's distribution and diffusion in each respective province. The resulting details that emerged from the study are the basis of why this study was initiated. The released data about each district is updated and reflects the inhabitant's mode of thinking when ECM is a crucial part and parcel of their lives. Comprehensive public information and awareness-raising campaigns must incorporate this reality as part of the solution when developing multiple and coordinated responses to eradicate ECM within the Iranian communities. The third chapter specifically analysis the rationale underlying ECM's rising presence in the seven Iranian provinces that have the highest rate of ECM by laying bare new and or deliberately chosen to be ignored data by the government. Related influential factors and contributed variables in the study are discussed via a depiction of an analytical model.

The fourth and last chapter focuses on conclusions and proposes policy recommendations stemming from the research study findings on ECM in Iran. The

last chapter makes recommendations for a holistic approach to law and policy reform as a tool to combat ECM. The last chapter also offers positive guidelines to end the practice of early marriage that hopefully will encourage policy makers, program designers and advocates world-wide in the collective struggle to eradicate this silent emergency.

AN INTRODUCTION TO ECM

According to the Convention on the Rights of the Child, a child is considered to be from the age of birth to 18 but in some countries the age may differ depending on the countries' specific law. The World Health Organization (WHO) defines childhood as a person under 15 years of age. Accordingly, in cases where the child is under this age, ECM is defined as a marriage that takes place "on behalf of the person (child) by his/her father or grandfather without taking the minimum legal marriage age into account." Although it is



FIGURE 1 POOR FAMILIES LIVE IN TENTS IN SISTAN & BALUCHISTAN- PHOTO BY: M MAAREFVAND

recognised that social, cultural and religious norms may define the end of childhood earlier or later than 18 years of age, for the purposes of this research study and in recognition with international legal norms and international child rights organisations a child is defined as any person under 18 years of age.⁸ The United Nations Population Fund (UNFPA), defines ECM as "any marriage carried out below the age of 18 years, before the girl is physically and psychologically ready to handle the responsibilities of marriage and childbearing. Despite the

⁸ article 1, UN Convention on the Rights of the Child

variance in the biological age, in general an ECM is a union in which at least one of the spouses is less than 18 years old. In most cases, it is the girl who is still a child. In Iran once the biological threshold is reached this translates into eligibility for marriage, regardless of age⁹.

In the developing world, the poignant issue of ECM is increasing in synchronise expansion with the youth population rate. The contributing social and economic elements that sustain ECM are the persistent increase in poverty levels and the lack or low levels of education. However, the dominant driving force underlying ECM's stranglehold prevalence and casual acceptance is the mechanical obedience to the exigencies of a patriarchal culture and or cultural beliefs that emphasizes misplaced protection of girls by forcing them to become child brides. Tragically despite the physical repercussions and the persistent targeted discrimination of young girls, only minute and incremental progress has been made towards ending the practice of ECM in Iran.

The physical, emotional and psychological impact of ECM diminishes the chances of personal growth for both genders. Although the consequences of early marriage on young girls are well known and conclusively established as the issue impacts girls disproportionately and with more intensity, sadly, the other victim is quite

“My Mother was a housemaid, cleaning people’s houses. I couldn’t study though. I myself now am a housemaid too. On that time I thought by getting married early, I cut one mouth to feed. I thought that I’m doing the best for my family. I didn’t even know to whom I’m marrying.

*Female respondent-32
Kuy-e Al-e Safi, Ahvaz, Khuzestan province*

⁹Loaiza Sr. AndS.Wong, “Marrying too young. End child marriage,”2012, <http://www.unfpa.org/sites/default/files/pub-pdf/MarryingTooYoung.pdf>

invisible. It is important to underscore that ECM is not exclusively a female issue as it also and obviously includes very young boys who live within societies where ECM is socially accepted and practiced. ECM's impact on boys can be just as insidious.

There are few reliable comprehensive studies on how ECM affects young boys. Whilst numerous psychosocial and emotional consequences related to ECM focus on young girls as the victims, young boys are also victims. Admittedly the experience for boys is to a lesser extent less likely to be as exploitative or physically harmful in comparison to girls. As it is the girl who is still a child and affected in larger numbers and with more intensity,¹⁰ there is the stark additional brunt for girls in terms of premature pregnancies, and often multiple pregnancies in rapid succession for which their bodies are not fully prepared¹¹. In ECM young girls are at high risk of sexual assault, rape, domestic violence, abuse and abandonment. Nevertheless, boys are harmed.

The discourse on the ECM rates and its impact on young boys has not been thoroughly researched even by experts from the leading international organizations working to combat child marriage (for example UNICEF, Girls Not Brides, the Population Council, the International Centre for on Women (ICRW). This relative sparsity of the lack of attention to boy's particular needs alongside the scarcity of empirical data has resulted in a glaring lack of knowledge about underage boys as grooms.

¹⁰ Ending Child Marriage, Consultation Report, Joint Women's Program, New Delhi, India, Jyotsna Chatterji, Director, JWP, Consultation series 2005-2006.

¹¹ IBID

The tragedy of ECM on young boy's lives has a severe effect on their newly imposed adult life whilst they are still little boys grappling with the already daunting phenomena of early marriage. Their lack of mental and physical maturity translates into serious issues and pitfalls within a marriage in which they have had no say. They lose the opportunity for a higher education which would include not only learning academic subjects but also having the opportunity to interact with females and not view them as reproductive vessels whilst learning the importance of respect for girls' rights. They are often forced to drop out of school and take on menial jobs to pay off wedding costs and support their new family, their parents, their new wife and children. Many boys marry early because of family expectations, needs and economic pressures. This premature nuptial arrangement perpetuates the cycle of poverty that led to their marriage in the first place.

In most societies and cultures, where adolescence or adulthood bring an ample number of opportunities, ECM brutally restricts personal freedom and thwarts opportunities to prosper and grow at a natural pace.¹² For boys there is a denial of childhood and adolescence and instead an imposition of adulthood at an early age. These young boys are thrust into the full burden of domestic responsibility, fatherhood and sexual relations rather than experiencing the normal milestones of childhood and puberty. Many simply go from being a child to a father. Our research study unequivocally showed that many of the boys fathered their first child at the young age of 16. This is not a tragedy that ends during a boy's life span but an intergenerational cycle that carries on into the next generation.

¹² Mensch, Barbara S., Judith Bruce and Margaret S. Greene (1998), *The Uncharted Passage: Girls' Adolescence in the Developing World*, The Population Council, New York. 17 'Too Many Teen Brides', in *The Progress*

Operating simultaneously is the high risk of physical abuse that is often seen when the girl is married to an underage boy. The fragile marriage, already buckling under the strain of being psychologically ill equipped and the emotional upheaval of puberty, becomes even more fraught. Due to his youth, he is often not able to protect her, which in turn makes the girl highly vulnerable to violence, abuse, and indignity from the older men in the family such as the father-in-law, brother-in-law and uncles.¹³

The statistics are harrowing. According to the most recent UNICEF figures, 156 million men alive today were married as boys. Despite this eye watering figure that alone warrants further study, there is still a precarious shortfall of research or work being done to address the issue of the child groom. This translates into millions of young boys and men who are almost virtually invisible in ECM research, advocacy and grass roots eradication campaigns.

Poverty is one of the major determinants of ECM in those countries and regions where it is acute. Child marriage practices and attitudes acceptance of ECM are often associated with income and poverty. In particular, child marriage may occur as a response to economic insecurity. The economic aspects of ECM play a mutually reinforcing and dominating role notably in countries/regions, where girls are often considered as an economic burden on a family's sparse or limited resources. marrying off a daughter to an economically secure man is a priority for families from deprived backgrounds; if an opportunity to do so arises it is not to be missed, regardless of the age or wishes of the girl. In this context, the family's limited

¹³ Ending Child Marriage, Consultation Report, Joint Women's Program, New Delhi, India, Jyotsna Chatterji, Director, JWP, Consultation series 2005-2006.

resources and the opportune chance of mitigating poverty overrides any concerns for the young girl who often is given to a much older and or elderly man as an economical survival strategy. A study under taken by the Ministry of Social Affairs in Egypt of five very poor villages, revealed that quite often very young girls in ECMs are with men twice their age from Middle Eastern countries via a brokers.¹⁴ 'Ibn Qudamah, a Sunni leader confirmed that the father has the authority to marry off his daughter to someone suitable for her when she is under the age of 9.¹⁵ This practice and perception is very common in the countries where dire poverty is commonplace. For example, in traditional societies in Sub-Saharan Africa, the families receive a bride-price in the form of cattle or cash from the groom's family. In these countries, early marriages are used as a crude financial tool to mitigate or lessen the abject poverty in their societies.¹⁶ In Niger, Bangladesh, Somalia, and Uganda, ECM has been used as a survival strategy during times of drought and food insecurity. As people from these practising cultures prioritize boys, ECM is deemed as the only viable solution to reduce family's economic hardships by making girls the financial responsibility of her chosen husband. ECM is one of the most pernicious manifestations of the unequal power relations between females and males that began as a means to protect unwelcome sexual advances and to gain economic security. In the end ECM undermines the very purpose it was meant to achieve. Child marriage often means for the girl a life of certain sexual and economic servitude.

¹⁴ Early Marriage in Selected Villages in Giza Governorate'. A study carried out by the Ministry of Social Affairs, Egypt, and supported by UNICEF Egypt, 1999.

¹⁵ Sahih-e-Bokhari, Tazwij-ol-Nabi section, sayings 3683 and 3606.

¹⁶ Rwezaura, Bart. "The Changing Context of Sub-Saharan Africa." *The Best Interests of the Child*, Clarendon Press, Oxford (1994).

The subordination of women is both a cause and consequence of child marriage. A submissive attitude and deference is expected of girls. In many practising ECM societies, a girl is brought up to show self-control and deference to men that will be expected of her throughout her life including her marriage. In such patriarchal societies, from a very young age, girls learn to avoid going outside and to adopt a demeanour that does not provoke men to be attracted to them. Parents encourage this submissive attitude to make her a desirable and worthy young bride¹⁷. This quickly learnt attitude continues to serve as a pillar of the dominant paradigm of the submissive woman. Eventually she will be married off. Many of the girls face constrained decision-making opportunities, reduced life choices and dramatic life changes as the girl child has now become a “wife child” and often soon after, a “mother child”. The economic drivers of child marriage have a particularly pronounced impact on attitudes and practices relating to the marriage of girls because of their subordinate social position and economic dependency. Girls depend upon men for their financial security; first upon their fathers, and later upon their husbands. In turn they are expected to be subordinate.

Specific traditional roles are assigned to women and such societies tend to facilitate these roles via ECM that in turn reinforce prescribed gender roles. Early marriage is a continuum of this subjugation of women under the guise of protection and security which places them under male’s control. These patriarchal arrangements ensure that the female child is legal and belongs to the men they are

¹⁷ Report of the Pakistan Commission on the Status of Women’, Government of Pakistan, 1989; quoted in: Taylor, Debbie (1993), *Servile Marriage: A Definition, a Survey, and the Start of a Campaign for Change*, Anti-Slavery International, London.

married to, thus bestowing upon her a respectable position and status in her respective society.¹⁸

Female Genital Mutilation/Cutting & Early Marriages

The international community has acknowledged the multiple forms of violence perpetrated against women simply because they are female. In every country and society, women and girls suffer from these multiple forms of gendered based violence (GBV) or violence against women, (VAW) that devalue women. GBV and VAW are terms that are often used interchangeably as most gender-based violence is inflicted by men on women and girls. However, it is important to retain the 'gender-based' aspect of the concept as this highlights the fact that violence against women is an expression of power inequalities between women and men.¹⁹

The undeniable fact is that unfair marriage practices, domestic violence and other multiple forms of GBV/VAW are widespread occurring, to a greater or lesser degree, in all regions, countries, societies and cultures, and affecting women irrespective of income, class, race or ethnicity. Numerous researchers have addressed this issue. As Mayer (1995) argues, the international norms enshrined in the United Nations Declaration on Human Rights and its sentiments contradict many of the acceptable discriminatory traditions which have long been entrenched across legal systems, including within the West. Kamla Saruo comments on GBV as part of the global problem that is linked to traditional

¹⁸ Caldwell, John C. and Pat Caldwell (1977), 'Role of Marital Sexual Abstinence in Determining Fertility: A Study of the Yoruba in Nigeria', *Journal of Population Studies*, Vol 31, 1

¹⁹eige.europa.eu/gender-based-violence/2fwhat-is-gender-based-violence

hierarchical power relationships amongst men, women, parents and children and how it occurs in any communities where these relationships exist.²⁰

GBV/VAW may differ in scope and degree but not in kind. In industrialized societies, it is manifested in various nuances via music, toxic media coverage, ridiculing women, sexual harassment and societal pressure. In developing and or poor countries, it is often embodied as blatant discrimination, tradition and or culture. The discrimination often manifests itself as domestic violence, marital rape, deprivation of food, lack of access to information, education and healthcare, and general impediments to mobility. It has been commented by Women Living Under Muslim Law (WLUML) that Iran actually rejected the specific recommendations that were key to implementing their recommendation, including those which urged Iran to “adopt and implement efficient policies aimed at eliminating gender based violence ...and guaranteeing for victims access to justice and rehabilitation” and to “accept a visit to the country by the Special Rapporteurs on violence against women”.²¹

Two of the most insidious harmful cultural and traditional practices affecting the right of women and girls to live their lives on their own free will are FGM and ECM. Both are a manifestation of gender based violence, symptoms of oppression and misaligned archaic notions of protection.

Child marriage is a banner for the violence and pernicious manifestations of unequal power relations between females and males. The heightened

²⁰ Khanum, N (2008), Forced Marriage, Family Cohesion and Community Engagement: National Learning through a Case Study of Luton, Equality in Diversity

²¹ IRAN: Gender Discrimination at Its Worst impactiran.org/wp-content/uploads/Women-Living-Under...

powerlessness and vulnerability of the child bride results in further gender-based discrimination. ECM is recognised as gender based violence because it puts women and girls at particular risk of psychological, sexual and physical violence. It operates as a continuum where girls are not valued before they are born and are not valued or treated after they are born. This chronic continuation of gender discrimination places women in an inferior position and disempowers them to participate equally in their marriage and make sexual and reproductive choices. Although boys are also victims of ECM, young girls with almost surgical precision are disproportionately hard hit and the most victimised. It exposes an unbroken spectrum of subjugation that women face in the hands of a patriarchal and pious Iranian society and nowhere is this more explicit when seen within the prisms of ECM. The subordination of women is both a cause and consequence of child marriage. The scale of ECM marriage means that eradication cannot be achieved without addressing that ECM leaves girls vulnerable to many different forms of violence. Evidence shows that ECM as a tool of oppression which subordinates not just women but generations to come. It reinforces the subordinated nature of communities that traditionally serve the powerful classes by giving a girl child to an older male.

Ancient patriarchal ideology that has been imposed on women via ECM and FGM, vividly exemplifies the lack of choice women must make in order to be married and accepted in their society. It is surely no coincidence that what is disturbingly flagrant is the misogynist link between ECM and of FGM. The previous findings

from the large-scale project on FGM/C prevalence in Iran²² indicate an alliance between the prevalence of these twin phenomena in at least two provinces of Hormozgan and West Azerbaijan. In seven major districts that have the highest rate of early marriage occurrences, unsurprisingly they have a relatively high rate of FGM. This was witnessed in the provinces of Razavi Khorasan, East Azerbaijan, Khuzestan, Sistan and Baluchestan, West Azerbaijan, Hormozgan and Isfahan.



Figure 2 Local Bibis who perform FGM in Hormozgan province –Photo by: Kameel AHmady

This section explores the tangled links between the practices of FGM and ECM. It is hoped that this report will be of interest to agencies engaged in policy development, programming and funding of eradication programmes and interventions on these dual oppressive practices.

FGM & ECM - UNDERSTANDING OF THE TWO VARIABLES

The history of FGM is unknown. A number of studies track its origins to more than 2000 years²³. Although various theories have been advanced, its origins still remain obscure rendering it virtually impossible to determine with precision its beginnings. However one thing is not obscure. FGM is part of a tragic continuum

²² Ahmady, K. 2016. *In the Name of Tradition. Female Genital Mutilation in Iran*. Frankfurt am Main: UnCUT/VOICES Press

²³ Kameel Ahmady. *In the Name of Tradition. Female Genital Mutilation in Iran*. [UnCUT/VOICES Press](#) 2016

of patriarchal repression of female sexuality in various modes and throughout history by ensuring women's virginity and reducing sexual desire. What is also clear, is that FGM is a manifestation of deeply rooted gender inequality.

FGM is practiced in Africa, in the Middle East, Indonesia, Iraqi Kurdistan, Iran and Yemen. Nevertheless, the highest incidence is practised in twenty nine African nations, many of them in West Africa distributed more or less contiguously across a zone running from Senegal in the west to the Horn of Africa in the east. Although women in Africa, the Middle East, and Indonesia constitute nearly half of their respective populations, this has neither translated into social-political empowerment nor economic liberation. Instead it has translated into heightened VWA/GBV as these women are the most vulnerable within their society. Some live in societies where the exigencies of their patriarchal culture demand a literal mutilation of the most crucial external sign of womanhood- their external genitals.

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As recognised by WHO, UNICEF and UNFPA, FGM is "all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs whether for cultural or other non-therapeutic reasons."²⁵ Thus FGM is a collective generic term used for the various degrees of cutting on the external female genitalia. There are four types of cutting and each is cruel in its nature.

²⁴ Female Genital Mutilation/Cutting by UNICEF Africa, issuu.com/unicefafrica/docs/fgcm

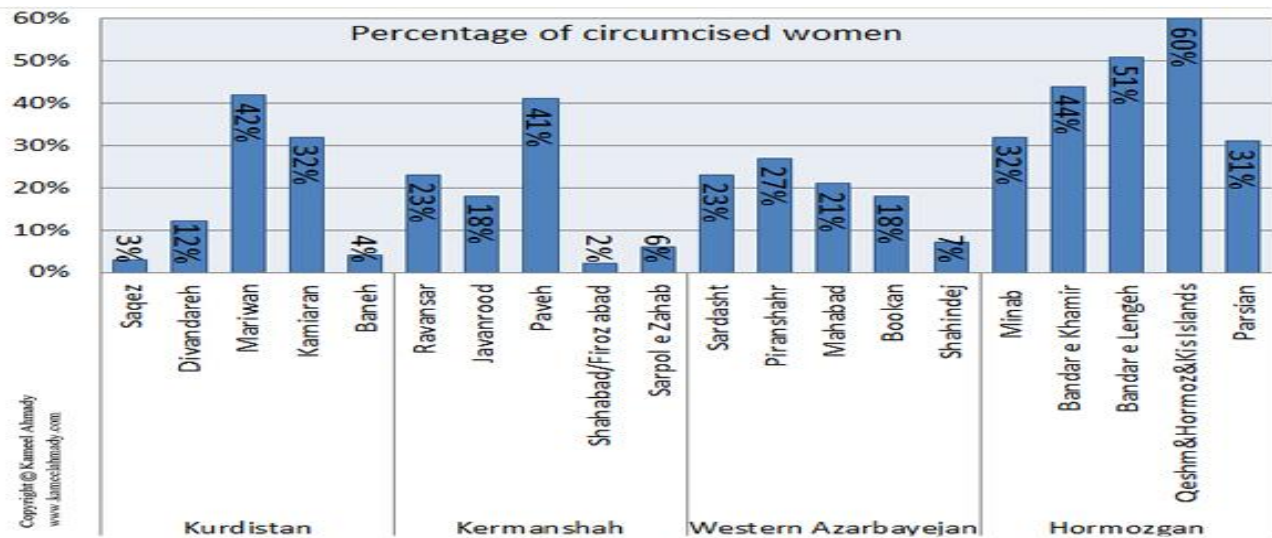
²⁵ Eliminating Female genital mutilation: An Interagency Statement", Geneva: World Health Organization, 2008.

Type I is often called Sunna mutilation (Sunna means "path or way" in Arabic and refers to the tradition of Muhammad, although none of the procedures are required under Islam) is the mildest form and often is confusedly and erroneously analogised to male circumcision. It involves the removal of the clitoral prepuces with part of the clitoris remaining intact. Type II sometimes referred to as Clitoridectomy mutilation or excision, is the complete removal of the clitoris and all or part of the labia minora without removal of the clitoral glans and outer labia. This type of FGM causes profound bleeding in the arteries and is extremely painful due to the sensitivity of this area that is constituted by the special receptacles of nerve endings that are clustered within the clitoris. The major difference between Type I and II is the extent of the tissue removal. Type III (referred to as infibulation or pharaonic circumcision), involves the removal of all the genital parts. It is the most harrowing and common. Type IV includes nicking of the clitoris (some refer to this as symbolic circumcision), burning or scarring the genitals or introducing substances into the vagina to tighten and labia stretching.²⁶

Studies have shown that at least 125 million girls and women have experienced FGM in Africa and the Middle East and as many as 30 million girls under the age of 15 may still be at risk over the next decade²⁷. What needs to be underscored is that FGM is not exclusively an African issue. FGM exists in Iran.

²⁶ Toubia, Nahid. "Female circumcision as a public health issue." *New England Journal of Medicine* 331.11 (1994): 712-716.

²⁷ UNICEF. *Female genital mutilation/cutting: A statistical overview and exploration of the dynamics of change*. July 2013.



In Iran,²⁸ women who undergo FGM – often called *Khatne* or *Sonat* – primarily undergo Type I but rarely Type II. However, the types vary depending on the region. For instance, in some villages in Kermanshah and Kurdistan, women believe that a small amount of bleeding from a cut is necessary, but in other villages such as *Hormozgan* the genitals are cut more extensively.²⁹

FGM does not exist in a single setting and it is not the only practise that physically and brutally impinges on the intimate daily lives of females.³⁰ It is highly plausible that when we view FGM it is connected to another harmful practice, ECM. FGM and ECM are two of the most harmful and prevalent traditional practices affecting millions of women and girls today rendering it difficult to distinguish completely the linkage and grim issues.³¹ In Ethiopia ECM and FGM have been identified as the most prevalent forms of Harmful Traditional Practices (HTPs) that has been

²⁸ Female genital mutilation practised in Iran, study. www.theguardian.com

²⁹ Kameel Ahmady. *In the Name of Tradition. Female Genital Mutilation in Iran*. UnCUT/VOICES Press 2016 & <http://kameelahmady.com/fgm-in-iran>

³⁰ London School of Hygiene and Proper Medicine, (2013) *Violence against Women a Global Health Problem of Epidemic Proportions* 20 June

³¹ Plan UK (2014) *Help Us End Early and Forced Marriage Now*. Available at : <http://WWW.Plan-uk.org>.

because- i- am- a- girl out-/about-because-i-am-a- girl /violence –against –girls /violence –against girls/early –and-forced- marriage.

prioritised for elimination in the National Strategy and Action Plan on HTPs against Women and Children.³² Around the world, girls and women are forced to live with the dual effects of FGM and ECM. Both are powerful norms. Both are supported by notions of time and tradition. Both are deeply rooted cultural practices. Both violate the rights of girls and women.³³ And both are imposed on females against their will and choice. Alone is devastating but when they exist together in a single setting, the devastation is a hellish horror.

On par with FGM, ECM is a global problem that cuts across countries, cultures, religions and ethnicities. Child brides can be found in every region in the world, from the Middle East, Latin America, and South East Asia to Europe. Each year, 15 million girls are married before the age of 18. This translates to 28 girls every minute.³⁴ As of 2013, 27.2 million women had undergone FGM in Egypt, 23.8 million in Ethiopia, and 19.9 million in Nigeria.³⁵ According to a 2014 survey, child marriage is wide spread in Cameroon, with 20 percent of girls aged 15 to 19 already married.³⁶

One of the main rationales of FGM in traditional societies is that it prepares girls for marriage³⁷ with the implicit concomitant assurance that the girl is a virgin. FGM is the proof of a future bride's virginity. The cruel fact is that men demand it and may refuse to accept a bride or pay a bride price for a young girl whose virginity is not assured by FGM. Men profit from the patriarchal arrangement and demand a

³² Child Marriage and Female Circumcision: r4d.dfid.gov.uk/pdf, Evidence from Ethiopia Young Lives Policy Brief 21

³³ Child marriage | Child protection from violence...www.unicef.org/protection

³⁴ www.girlsnotbrides.org/about-child-marriage

³⁵ Female Genital Mutilation/Cutting: A Statistical Overview and Exploration of the Dynamics of Change, New York: United Nations Children's Fund, July 2013.

³⁶ UICEF Cameroon 2014 MICS Key Findings Report Released

³⁷ What is behind the tradition of FGM? - www.african-women.org/documents/behind-FGM-tradition.pdf

pure and untouched bride.³⁸ It is believed that FGM ensures a girl's virginity, making sure she has not had sex with anyone prior to marriage. With this assurance, men are more willing to marry her and pay more money for her, which is paid to the girl's parents.³⁹ The younger the girl, the higher the chances of her being virgin, as older men usually preferred young girls⁴⁰

The association between virginity and FGM is so acute that a girl who has not undergone FGM has virtually no chance of marriage.⁴¹ They are considered impure, incomplete and often ridiculed. This will of course place girls at a higher risk of poverty and social stigma. In traditional societies where marriage is a women's predominate source of economic survival and standing, this is a particularly critical loss. Girls who have undergone FGM are deemed more desirable and it increases their chances of entering into a forced and early marriage.

A recent study that took place in the provinces Hormozgan, Kermanshah, Kurdistan and West Azerbaijan in Iran revealed that "a woman's virginity is considered to be of a vital importance to secure her future and to gain her a marital status. If a woman cannot protect her virginity, it means she has ruined the honour of her family. This ultimately forces her to preserve the family reputation and honour by any means and, in order to meet that objective, women continue the ritual of FGM in the family."⁴²

³⁸ Burrage, Hilary. *Eradicating Female Genital Mutilation: A UK Perspective*. Ashgate Publishing, Ltd., 2015.

³⁹ Female genital mutilation FORWARD www.forward.uk.org.uk 2014/12

⁴⁰ وليم فلور، (2010)، *the social history of sexual relationships in Iran*, translated by Mohsen Minu Kherad, Stockholm, p. 48-49.

⁴¹ Beliefs and Issues : Female Genital Mutilation - www.fgm.co.nz/beliefs-and-issues

⁴² Kameel Ahmady. *In the Name of Tradition. FemaleGenital Mutilation in Iran*.pp.49. UnCUT/VOICES Press 2016 & <http://kameelahmady.com/fgm-in-iran>

STANDING ON SIMILAR GROUND-FMG AND ECM

Taken as a whole, there are bleak similarities between ECM and FGM. Both are symptoms of the obsessive preoccupation with virginity and chastity that are major driving forces underlying the practices. This emphasis on virginity is seen both in the ECM and FGM contexts. Young girls are particularly in high demand. FGM and ECM represents control over women that bolsters sustaining harmful gender roles to women. Both have the common core issue of a lack of consent and choice. Parents have considerable authority over when and whom their children will marry. The views and opinions of girls, are either marginalised or in most cases, altogether excluded in marriage decision-making processes. In both FGM and ECM, consent has been made by others on the girl's behalf. In both practices the cultural and societal pressures to submit to FGM and ECM are quite entrenched and powerful. Both are designed to "protect" a girl from unsanctioned sexual activity, via strict control on her social interaction by dictating who to marry and her right to be physically intact by imposing FGM on her external genitals.

Even in cases when the young girls acquiescence, it is troublesome to ascertain whether she is truly consenting to FGM. Considering that FGM often takes place shortly after birth to puberty and beyond and that in half of the countries where national figures are available, most girls are mutilated before the age of five,⁴³ consent is unequivocally absent. Consent in an ECM arrangement is equally dubious⁴⁴ as there is also and almost always the troubling issue of full and free

⁴³ Female Genital Mutilation/Cutting: A Statistical Overview and Exploration of the Dynamics of Change, New York: United Nations Children's Fund, July 2013

⁴⁴ Forced marriage - Child protection - Child rights.www.protectingchildren.org.uk/.../forced-marriage

consent, and whether or not she received all the facts and information about marriage. One third of girls in the developing world are married before the age of 18 and 1 in 9 are married before the age of 15.⁴⁵ They have essentially become juvenile sex slaves.⁴⁶ ECM is customarily arranged by parents, sometimes involving promissory agreements between families whilst children are too young to conclude alliances.⁴⁷ The passive and subordinate role of women and girls within social life renders them highly unlikely to contradict or challenge parental authority about marriage.

Whilst early marriage takes many different forms under various rationales, one fact is paramount. ECM is not only a manifestation of gender based violence but also a trampling on the basic human right of deciding when and to whom you will marry. The appeal of ECM is bound to sustain wherever there is a pervasive lack of respect for human dignity and an airtight lid on the free flow of information which in turn, moulds the idea that woman are reproductive vessels rather than human beings with a corresponding bundle of inalienable rights.

The rights of women are an inalienable and an indivisible part of general human rights. Child marriage is a setback to the fulfilment and maintenance of human rights, development, and equality and the health and education of children as it unleashes a cascade of recognised human rights violations as set forth in a multiplicity of international agreements. The Universal Declaration of Human Rights (UDHR) promotes the dignity and worth of the human person and the equal

⁴⁵ www.icrw.org, Child -marriage-facts-and-figures -

⁴⁶ Hilary Burrage, *Eradicating FGM : A UK Perspective* , (2015) at 53

⁴⁷ Child Marriage *supra* at 21

rights of men and women.⁴⁸ It specifies gender as an impermissible grounds of differentiation and provided an equal protection clause. ECM is a human rights violation as held by the 1948 UDHR and contradicts the principles enshrined in the UDHR and numerous international treaties. It has been addressed in several international and regional treaties and in many human rights forums that have emphasis this important principal. It has been frequently addressed both by the Committee on the Rights of the Child (CRC) and CEDAW.⁴⁹ Equally ECM has been identified by the Pan-African Forum against the Sexual Exploitation of Children as a type of commercial sexual exploitation of children.⁵⁰

The right to 'free and full' consent to a marriage is recognised in the Universal Declaration of Human Rights. Consent cannot be 'free and full' when one of the parties involved is not sufficiently mature to make an informed decision about a life partner. The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) makes reference to ECM in article 16: "The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage"⁵¹. In addition to prohibiting marriage under the age of 18 years, international law requires that the minimum age of marriage should be the same for both men and women. In General Recommendation no. 21, the CEDAW Committee called on States to abolish provisions that establish different ages for marriage on the basis of sex, which are

⁴⁸ The Universal Declaration of Human Rights, G.A. Res. 217, U.N. Doc. A/810, at 71 (1948); Article 7 reads in part: All are equal before the law and are entitled without any discrimination to equal protection of the law.

⁴⁹ Goonesekere, Savitri & De Silva-de Alwis, Rangita (2005). Women's and Children's Rights in a Human Rights Based Approach to Development. Working Paper. Division of Policy and Planning. UNICEF. 14

⁵⁰ Mikhail, S., 'Child marriage and child prostitution: Two forms of sexual exploitation', Gender and Development, vol. 10, no. 1, 2002, p. 43– 49.

⁵¹ <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

founded on discriminatory ideas about gender.⁵² Further, in its General Comment no. 4, the CRC Committee elaborates that Article 2 of the CRC (which prohibits discrimination) should be interpreted as requiring specifically that the minimum age for marriage should be the same for both boys and girls.⁵³

The colossal age gap so very often seen in ECM has been addressed by the International Convention on Economic Social and Cultural Rights (ICESCR). ICESCR provides in Article 10 that marriage must be entered into with the free consent of the intending spouse. ICESCR Concluding Comments have elaborated further concerns on child marriage. Some of these concern the following:

Differences in marriageable age between males and females violate Article 1041; the practice of early marriage has a negative impact on the right to health, education and work and the ICESCR Committee's recommendation that the legal minimum age of marriage be raised to 18.⁵⁴

Article 16 of the 1948 Universal Declaration of Human Rights (UDHR) states: (1) Men and women of full age have the right to marry and found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution. (2) Marriage shall be entered into only with the free and full consent of the intending parties. Strikingly similar provisions are included in the 1966 International Covenant on Economic, Social and Cultural Rights and the 1966 International Covenant on Civil and Political Rights.

Article 1 of the 1956 Supplementary Convention on the Abolition of Slavery states "Any institution or practice whereby: (i) A woman, without the right to refuse, is

⁵² CEDAW, General Recommendation 21

⁵³ CRC, General Comment 4

⁵⁴ ICESCR Concluding Comments, France, E/C.12/2002.22 (2001) par. 876

promised or given in marriage on payment of a consideration in money or in kind to her parents' or guardians', family.

Articles 1, 2, and 3 of the 1964 Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages state: No marriage shall be legally entered into by any person under this age, except where a competent authority has granted a dispensation as to age, for serious reasons, in the interests of the intending spouses. All marriages shall be registered by the competent authority.

Article 16.1 of the 1979 CEDAW prescribes equally for men and women: (a) The same right to enter into marriage; (b) The same right freely to choose a spouse.

Article XXI of the 1990 African Charter on the Rights and Welfare of the Child states: Child marriage and the betrothal of girls and boys shall be prohibited and effective action, including legislation, shall be taken to specify the minimum age of marriage to be eighteen years.

Similar to ECM, FGM of any type has been internationally recognised as a violation of the human rights of girls and women and constitutes an extreme form of violence against women. As it causes severe physical, reproductive and mental harm and is potentially lethal, it interferes with a woman's right to physical integrity, privacy, and freedom from violence. Furthermore, considering that FGM involves mutilating healthy genital tissue for non-medical reasons and often in the absence of medical necessity, it can lead to severe consequences for a woman's physical and mental health. FGM is a violation of a person's right to the highest attainable standard of health.⁵⁵ FGM violates a series of well-established human rights principles, norms and standards, including the principles of equality and

⁵⁵ Eliminating Female genital mutilation/An interagency statement, www.un.org/... An interagency statement

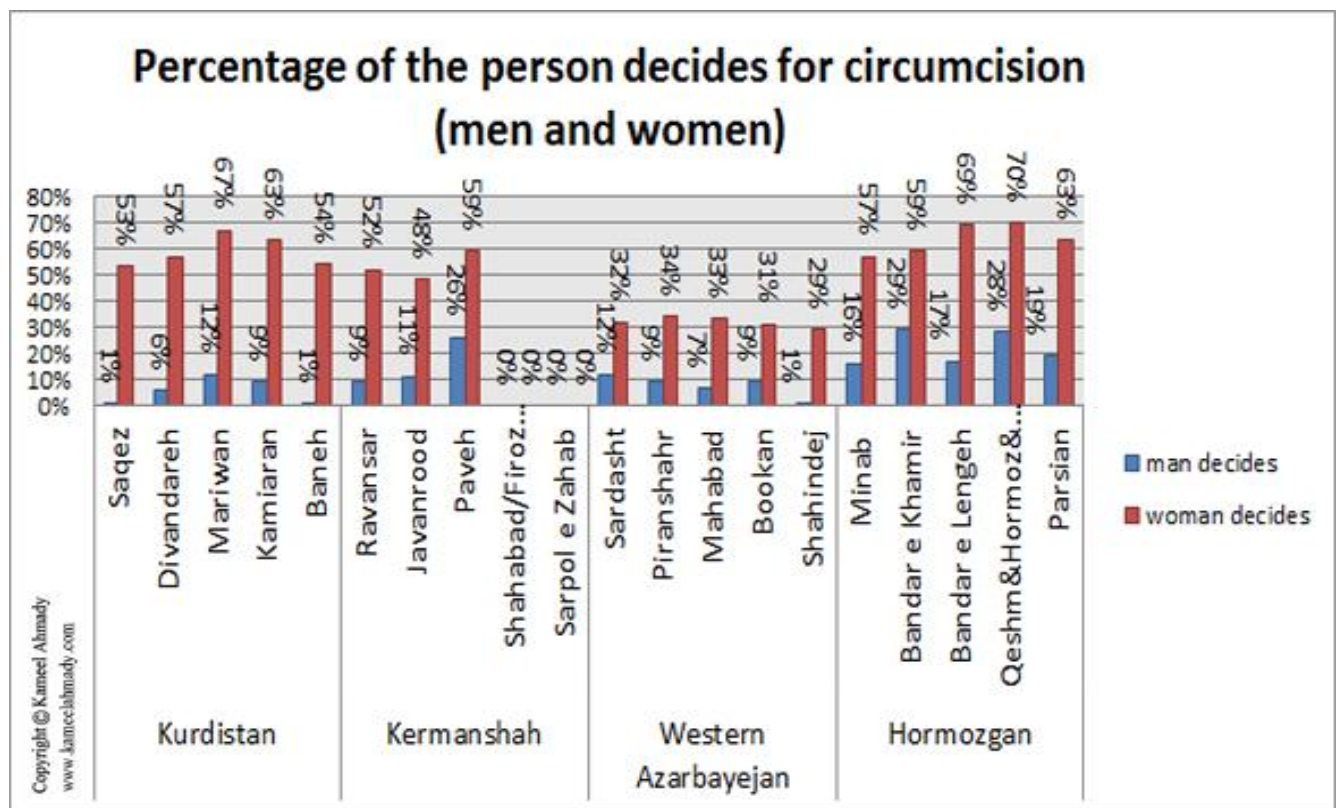
non-discrimination on the basis of sex, the right to life when the procedure results in death, and the right to freedom from torture or cruel, inhuman or degrading treatment or punishment.

This has been recognized in numerous international and regional human rights instruments such as, but not limited to, the following:

The Universal Declaration of Human Rights, Articles 1 and 3; International Covenant on Economic, Social and Cultural Rights, Preamble; International Covenant on Civil and Political Rights (ICCPR), Preamble and Article 9 (1); and The Convention on the Rights of the Child (CRC), (Article 19) and Article 1 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979. Viewing ECM and FGM as human rights violations helps to raise the issue as a grave public concern rather than keeping it submerged as a private matter between families. The human rights agenda helps to view child marriage through the lenses of both civil and political rights and economic, social and cultural rights covenants. Indeed, most of all the human rights perspective helps to frame ECM and FGM as gender based crimes against women and young vulnerable girls. The synergy between human rights norms, constitutional principles of equality and anti-discrimination norms and domestic laws on freedom of marriage combine to militate against ECM and FGM.

FGM and ECM are sordid and tragic examples of extreme GBV The dilemma for the 21st century is unravelling the continuation of ECM and FGM which tear the fragile fabric of autonomy and free consent for women. Both are usually performed around or before the age of puberty. It signals the tragic end of childhood and the abrupt entry into adulthood, which spells marriage. Girls are pushed into

adulthood before they are physically and emotionally mature forcing them to struggle with the physical and emotional health consequences of becoming pregnant to young and /or multiple pregnancies. The younger the girl is at the time of marriage, the worse is the abuse on the grounds of forced early sex. In both practises childhood has tragically been cut short and in both cases there is an often violent and abhorrent introduction to sexual intercourse.



Both are broadly linked to the social status, respectability and honour of the families, that is maintained through the marriageable value of girls. Many practising FGM and FCM societies are a reflection of the notion that a woman represents and retains her father's honour. The marriage is not only a union of two people, but a union of family and honour. As marriage is in actuality the bond between family units, rather than individuals, marriage takes on heightened importance to the family alliances and interfamilial economic partnerships. The

extreme pressure on females to acquiesce to the marriage plan set in place by their relatives is acute. In turn, the notions of family and honour are dependent on the purity, virginity and what is perceived to be correct conduct of women which is ensured through strict control over her social and sexual behaviour. By extension it translates to the honour of the child bride's family and the family receiving the bride⁵⁶.

Poverty is one of the major factors underpinning ECM and operates as a basic impetus for ECM and FGM. Both are intractability linked to poverty and sexual vulnerability in which parents seek to protect their daughters from social and economic hardships. Consequently, families may often view FGM and ECM as positive strategies to overcome poverty in a context of limited economic opportunities and social protection for women.⁵⁷

It is the most disadvantaged girls who live in poverty, in rural area and with few prospects of empowerment that are most likely to be child brides. Considering the sparse opportunities, limited education and restricted opportunities for training or employment for females, FGM and ECM are positively viewed as a rational option by parents and sometimes even the girls themselves. Studies have revealed the dispiriting use of young girls as a source of revenue. For example, marriage payments can provide support for parents as seen in the expensive bride payments which are customary in southern Ethiopia.⁵⁸ In some villages in central Kenya girls are a source of income and fetch 48 goats when they are married⁵⁹.

⁵⁶ Moghadam, V. M. (2004). "Patriarchy in transition: Women and the Changing Family ,in the Middle East, *Journal of Comparative Family Studies*, pp. 137-162.

⁵⁷ Child Marriage and Female Circumcision, *supra* at 21

⁵⁸ Ibid

⁵⁹ Ending FGM and Child Marriage in Kenya | plan-international.org/blog/2015/05/ending-fgm

Although Guatemala passed a law banning child marriage, poor families who regard girls as a financial burden are still marrying them off as prolonged drought plunges many into deeper poverty.⁶⁰ However, for these young girls the economic benefits are not felt as girls who marry young are more likely to be poor and stay poor⁶¹ and the majority of affected girls who have undergone FGM and then married off are condemned to a life of financial and social insecurity. Paradoxically, many parents, they marry off their daughters at a young age in their genuine belief that this will enhance the girl's and the family's security.⁶² However, what actually takes place is not an escape from poverty but an entrance to sexual, physical and psychological violence that often takes place within the marriage. Poverty ultimately fuels FGM and ECM, which in turn perpetuates the feminization of poverty.

ECM is an integral part of a system of patriarchal control over a women's sexuality. Parents are compelled to marry their daughters soon after puberty, because the mere existence of a sexually attractive yet unmarried women/ girl poses a threat to the patriarchal norm that insists and depends on absolute male dominance and control over female sexuality. Began as a practice to protect unwelcome sexual advances and to gain economic security, child marriage undermines the very purposes it was meant to achieve. In the context of perceived vulnerability and sexuality, parents feel that they are reducing the risk of their daughters of engaging in pre-marital sex or exposure to sexually transmitted diseases, notably HIV/AIDS, pregnancy, and social stigmatisation. Girls are particularly at risk because of their low status in patriarchal societies, entrenched and harmful gender norms ECM

⁶⁰ <https://www.yahoo.com/news/impoverished-families-flout-guatemalas-child-marriage-ban-experts-173137790.html>

⁶¹ www.girlsummitpledge.com

⁶² EARLY MARRIAGE IN SOUTH ASIA - UNICEF www.unicef.org/rosa/earlymarriage

that leave them vulnerable.⁶³ In the context of low life expectancy, parents are keen to ensure their daughters find respectable husbands whilst they are alive. There is of course the implicit additional factor that by marrying their daughters early, parents hope, in the absence of alternative social security, to have grandchildren to look after them in old age.⁶⁴

Similarly, FGM is part of a system of patriarchal control of women's sexuality that negates the view that sexuality is a natural aspect of growing up and becoming a woman. One of the major consequences of FGM is that women who have undergone it are deprived both physically and psychologically of their sexuality⁶⁵. FGM in this realm serves as a means of sexual control. Girls undergo FGM usually before puberty so they will be submissive to their husbands'.⁶⁶ For the same reasons that parents support FGM, parents support ECM i.e. to protect girls' sexual reputation via marriage⁶⁷. Sadly both FGM and ECM in reality are economically based and culturally endorsed paedophilia.

FGM and ECM places the girl's reproductive health at risk

The mucus in the female genital tract has an immune system whose function is to activate the immune responses of the cells in the vaginal and cervical surfaces.⁶⁸ Vulnerability to infection may be amplified by the circumstances in which young girls have sexual intercourse. Non-consensual or hurried intercourse may inhibit mucus production as there will be less of a barrier to viral penetration. It will

⁶³ WURN HIV AIDS Urgent UN call for Action to Protect Young Girls from HIV/ aids in Africa

⁶⁴ Caroline Sweetman, Violence against Women-Oxfam Focus on Gender, Oxfam 1998-P 29

⁶⁵ FGM New Zealand (2011) *Beliefs and Issues* - <http://fgm.co.nz/beliefs-and-issues/> Accessed August 15, 2016

⁶⁶ Hilary Burrage, Eradicating FGM : A UK Perspective , (2015) P 53

⁶⁷ Child Marriage and Female Circumcision (FGM/C): Evidence from Ethiopia-Young Lives Policy Brief, July 2014-

<http://www.younglives.org.uk/sites/www.younglives.org.uk/files/YL-PolicyBrief>

21_Child%20Marriage%20and%20FGM%20in%20Ethiopia.pdf-Accessed August 15, 2016

⁶⁸ Cutting the Rose, supra note 10, at 14.

provide less assistance in minimizing irritation and tearing of the genital membranes, and facilitating viral entry⁶⁹.

Pain during intercourse and infertility are common obstetrical reproductive consequences of FGM.⁷⁰ A young woman's genital tract is not mature at the time she begins to menstruate. Although the mucus membrane changes from a thin single layer of cells to a thick multi-layer wall, this transition is often not completed until the late teens or early twenties⁷¹. The younger the girl is at the time of her first sexual relations, which is typically forced, frequent and less likely to be consensual, the greater the likelihood of severe pain, physical damage, obstetrical complications and injury. For young girls in ECM sexual intercourse is expected and often non-consensual.

These bone dry impersonal facts give no impression of how heart rendering this is when a child, who is physically immature is introduced into the world of sexual intercourse. In South Asia where every year millions of pre-teen girls become the wives of older men, the young girl bears the risks associated with imposed early sexual activity, including pregnancy.⁷²

In FGM cases, chance the mortality rates for infants born to mothers who have undergone FGM have been observed to be significantly higher than the norm⁷³ depending on the type of FGM. One study showed an increase need to resuscitate

⁶⁹ M. Elizabeth Duncan et al, First Coitus before Menarche and the Risk of Sexual Transmitted Disease, *Lancet*, vol. 335:338-340, (1990).

⁷⁰ Female genital mutilation - Royal College of. www2.rcn.org.uk/__data/assets/pdf_file/0010/.

⁷¹ Young Women: Silence, and Susceptibility, *supra* note 118, at 3-4

⁷² International Center for Research on Women "Too young to Wed. The Lives, Rights and Health of Young married Girls".

⁷³ Toubia, N (1994) Female Circumcision as a Public Health Issue *New England Journal of Medicine* 331: 712- 16

babies whose mothers had undergone Type III at an eye brow raising 66 per cent. Similarly the mortality rate amongst babies during and immediately after birth was reported as much higher for those born to mothers with FGM. Neonatal problems occur primarily as a result of obstructed or prolonged labour which, if unchecked, can cause foetal distress, anoxia (lack of oxygen to the body's tissues) and tragically to foetal death⁷⁴.

Girls in ECM are more likely to experience poor sexual and reproductive health. Additionally, their lack of power in relation to their husbands and in-laws, girls are further exposed to sexual and reproductive health problems because of their lack knowledge, information and access to sexual and reproductive health services, in particular, family planning, ante-natal, obstetrics, and post-natal care. ⁷⁵ This is in violation of CEDAW's entitlements that women shall have access to the necessary information, education and means to enable to decide freely and responsibly on the number and spacing of their children.⁷⁶ Childbearing mostly follows ECM. Data has suggested that most girls who enter early marriages are expected to be pregnant almost immediately as there is intense pressure to bear children and preferably sons, in order to prove their fertility and value. This often leads to tragic consequences for the mothers, who are still children themselves, and for their babies.⁷⁷ Every year 7.3 million girls who are under 18 give birth to babies. 2 million of them are under 14. Statically prenatal mortality rates are 50% higher amongst babies born to mothers under the age of 20. Every year 70,000 of these babies die shortly after birth. Annually 3.2 million children have to abort their

⁷⁴ Female genital mutilation - Royal College of. www2.rcn.org.uk/__data/assets/pdf_file/0010/.

⁷⁵ Whose Right to Choose? 7

⁷⁶ Article 12 of CEDAW guarantees non-discrimination on the grounds of sex in the field of health care and access to health care services, including those related to family planning and pregnancy.

⁷⁷ Nour, Nawal M. "Health consequences of child marriage in Africa." *Emerging infectious diseases* 12.11 (2006).

babies. Child marriage reinforces the incidence of infectious diseases, malnutrition, high child mortality rates, low life expectancy for women, and an inter-generational cycle of girl child abuse.

ECM rather than protecting girls often has copious far-reaching negative consequences. This can be seen in the rapid number of multiple births. A UNESCO report noted the relationship between ECM and early childbearing is very strong in countries where ECM is very common; such as Asia and the Pacific region alone, where annually nearly six million babies born to adolescents mothers. This can also be attributed to the fact that ECM provides a longer period of sexual activity which results in couples having large numbers of children.

As previously discussed, it is a fact that in an African society, a woman who fails to marry virtually does not exist because cultural attitudes and norms leave no place for unmarried or childless women. It is also understood amongst the populace that no one marries an un-mutilated woman. To fail to mutilate one's daughter is to practically ensure her ruination⁷⁸ and in order to be married, women must be mutilated. It is at this juncture that the two most prevalent forms of GBV coalesce and solidifies the continuum practice of VAW. FGM contributes to ECM in some communities ⁷⁹ as in some cases the practise of FGM is followed by ECM. ⁸⁰ According to *Keep the Girls Safe Foundation* girls are married off at a young age after undergoing FGM and are expected to assume the role of a wife and mother.⁸¹ According to Human Rights Watch (HRW) girls from certain ethnic groups have

⁷⁸Lightfoot-Klein, Hanny. Prisoners of ritual: An odyssey into female genital circumcision in Africa. Haworth Press, Inc, 1989.

⁷⁹ Child Marriage and Human Rights Abuses in Tanzania, www.hrw.org/report/2014/10/29/no-way-out/child...

⁸⁰ Ibid

⁸¹ Ibid

also reported being forced to undergo FGM to prepare them for marriage. As young children females quickly surmised that FGM will be the rite of passage that will introduce them to ECM.

It is time to link FGM and ECM as two forms of VAW that often operate à la suite. The stark statistics reveal that 42 per cent of women in Africa in the age group of 15-24 years are married before reaching the age of 18 and 48 per cent of women in Southern Asia are married before reaching the age of 18.⁸² When these girls who have undergone FGM and are subsequently married, it becomes virtually impossible to escape the depressing conclusion that FGM often lays the passage for ECM.

ECM and FGM are the most enduring enemies of a woman's dignity and security with its dual grip of preserving male dominance and sustaining female subjugation. FGM and ECM constitute the strongest expression of oppression of women by tradition. Both reinforce the sustainability of gendered based violence masked as tradition and solidified through the passage of time within a patriarchal culture. What is clear that FGM and ECM cannot be addressed in isolation, as often one is a pre requisite for the other. ECM and FGM are not the cause of gender inequality. They are consequences of it.

ECM & POLYGAMY

Marriage has universally always been regarded as a moment of celebration and a milestone in a person's life. It is defined as a culturally sanctioned union made

⁸² Unicef (2005). Early Marriage: A Harmful Traditional Practice. Available at http://www.unicef.org/publications/Öles/Early_Marriage_12.lo.pdf

between two people that establishes certain rights and obligations between them, their children, and their broader families.⁸³ Its core function is to bring unanimity and interdependence to maintain the familial affairs.⁸⁴ What is important to underscore is whilst marriage is a monogamous union consisting of only two parties, in contrast a polygynous union is the state of marriage to many spouses.⁸⁵ Even more alarming, ECM paves the way for a polygamy narrative.

Polygynous unions remain a practice in many countries, particularly although not exclusively, in Africa and Muslim states. For example the leader of a fundamentalist church that practice polygamy in Canada asked his members to take their daughters across US borders to be married elder men who were between 60 and 64. These girls were between 13 and 15 years old.⁸⁶ Polygynous unions are more common in rural areas than in urban areas in all countries with the exception of Uganda (36 per cent of women in urban areas are in polygynous unions, compared to 32 per cent of women in rural areas). In Madagascar and Namibia, a substantial proportion of girls aged 15–19 are in polygynous unions compared to the overall proportion of women, indicating that the practice might be increasingly commonplace in those countries.⁸⁷

Poverty again is a factor as these unions are more common amongst women from the poorest 20 per cent stratum of society than amongst women from the richest 20 per cent stratum of society. Lack of education strongly correlates with the

⁸³ W Haviland, H Prins, B McBride, D Walrath (2011) *Cultural Anthropology: The Human Challenge*, 13 edn., Belmont: Cengage Learning

⁸⁴ Bankole, A., Singh, S., Woog, V., & Wulf, D. (2004). *Risk and Protection: Youth and HIV/AIDS In Sub-Saharan Africa*. New York.

⁸⁵ Harper, Douglas (ed.). "Polygamy". *Online Etymology Dictionary*. Archived from the original on 1 February 2016.

⁸⁶ Canada Polygamist Church Sect Leader Says Underage Marriages Were Gods Will

⁸⁷ Early Marriage: A Harmful Traditional Practice -..www.unicef.org/publications/files/Early_Marriage_

practise of polygamy. The number of females in polygynous unions tends to decrease corresponding to attained level of education. Consequently, females who had received no education were more likely to be in a polygynous unions than women who had received a primary education.

Large age gaps between spouses in polygynous unions are more likely than for those in monogamous marriages. In Nepal, 3 per cent of women whose partners are 0 – 4 years older are in polygynous unions in comparison to 9 per cent of women whose partners are 10–14 years older and 20 per cent of women whose partners are 15 or more years older.⁸⁸ The age gap advantage often seen in ECM is necessary for securing male dominance in the household. The man is cared and maintained by multiple females in his centrist patriarch world, and the benefit of multiple wives becomes a vessel in which economic gains are made. Validated and sanctioned by a culturally justified patriarchy society, the age gap inculcates an unspoken strong sense of entitlement to dominate females in all aspects of marriage which is best achieved through marrying a younger woman/girl. Unequal divisions of power in marriage are likely to be exacerbated where the husband and child wife age gap is wide.⁸⁹

When viewed through the spectrum of ECM, polygamy is seen as an unfettered license for promiscuity and a grotesque violation of women's rights. This was echoed by the United Nations Human Rights Committee reported that polygamy violates the International Covenant on Civil and Political Rights (ICCPR), citing concerns that the lack of "equality of treatment with regard to the right to marry"

⁸⁸ Early Marriage: A Harmful Traditional Practice -..www.unicef.org/publications/files/Early_Marriage_

⁸⁹ UNICEF. 2001. Early marriage: Child spouses. Innocenti Digest. No. 7. UNICEF Innocenti Research Centre. Available at: <http://www.unicef.org/publications/pdf/digest7e.pdf>

meant that polygamy violates the dignity of women and should be outlawed.⁹⁰ It is interesting to note that it is of no coincidence that many of the practicing polygamy Muslim states such as Saudi Arabia, United Arab Emirates, Qatar, Malaysia, Brunei, Oman, and South Sudan, are not signatories to the International Covenant on Civil and Political Rights (ICCPR).

For females, polygamy and ECM often spells a disheartening life of sexual obedience, economic servitude and performances of heavy amounts of domestic work. The harmful effects of ECM and polygyny are also borne out by the fact that ECM is also largely associated with a range of negative repercussions including forced sex. Through the imposed polygamous relationship, sex becomes an expected commodity. Girls often have multitude pregnancies and preferably sons. Females are relegated to an underclass value, mainly for domestic and reproductive labour.

The practise of polygamy has been an important prime focus for ECM researchers as it is an intermediating variable with tenacious negative correlations of domestic violence and high birth rates as well as exposure to sexually transmitted disease due to the multiplicity of partners. Many of the girls simply have no idea about reproductive protective measures. Girls who do not know how to prevent HIV infection are more likely to be in polygynous unions than those who do. The rampant practice of underage girls as polygamous wives is a sordid aspect of polygamy.

⁹⁰ "Equality of Rights Between Men and Women". University of Minnesota Human Rights Library.

It is worthwhile to note that similar to FGM, polygamy, ECM and household poverty are interrelated and rarely take place independently. The large family size that eventually over burden parents, necessitates them to dispose of this excessive financial constraint by placing their daughters in a pre-mature wedlock. The fact that the chosen man already has another wife bears little importance. ECM and polygamy are solutions and acts of unburdening and economic coping strategies. It is also important to point out that in many countries where ECM and polygamy co-exist in silent acquiescence, there are also rapid climate changes that contribute to chronic food shortages, rampant poverty, and high population growth rates, all of which overly burden by an already fragile and weak social and economic infrastructures. Legislation and policy measures aimed at curbing ECM and polygamy are given short shrift.⁹¹

ECM is also the predominant reason for extramarital affairs that often ends up as polygamous unions. In many respects growing infidelity is a predictable consequence of economic development and migration. People are increasingly willing to put their own desire above familial obligations. At some point in their lives boys either realize that they did not really enjoy life in their early adulthood years or they may find opportunities to have additional partners. This can be seen when the boy reaches the age of maturity, leaves the village to seek better employment opportunities and thus is in daily contact with other women. Whereas previously there were few chances to meet the opposite sex in social situations leaving home to seek better employment meant that many couples live apart. The pool of temptation has grown larger and is easier to dip into. Improved education and living standards mean males have more financial freedom to do so.

⁹¹ Mapping Early Marriage in West Africa - Girls Not www.girlsnotbrides.org/wp-content/uploads/2013/10/Ford.

This has led to numerous cases of bigamy and polygamy. ECM and polygamy now take a crueller turn. In such cases the first wife, who was married as a minor, is often thrown out of the house or mistreated.

POLOGYMY IN IRAN

Iranian law establishes a discriminatory regime regarding marital infidelity, granting men an exclusive right to be married to two permanent wives and as many as temporary wives. In an effort to restrict polygamy, articles 16 and 17 of the Family

Protection Law of 1975 require men to fulfil certain conditions before they can marry a second wife on a permanent basis.⁹² A punishment term of six months to one year of imprisonment applies to men who fail to register their permanent marriages in accordance with national legislation.⁹³ Men do not, however, have to fulfil any substantive or procedural conditions in order to enter into temporary marriages⁹⁴

As many men marry more than one wife covertly, having exact figures on polygamous marriages are difficult to come by. In most of the countries where there is a legal age limit for marriages, a large number of polygamous marriages (and most are ECM) are not officially registered with no accompanying legal certificate. In rural areas, polygamous marriages acts are made easier when birth certificates are often non-existent or not properly recorded.⁹⁵ Nevertheless,

⁹² IRAN: Gender Discrimination at Its Worst - Impact Iran impactiran.org/.../Women-Living-Under-Muslim-Laws_Irans..

⁹³ IRAN: Gender Discrimination at Its Worst - Impact Iran, *supra* at 90

⁹⁴ According to article 21 of the Family Protection Law of 2013, the registration of these marriages becomes mandatory only if the temporary wife becomes pregnant, or the parties make a mutual agreement and/or set registration as a condition precedent

⁹⁵ Early Marriage: A Harmful Traditional Practice: A Statistical Exploration, UNICEF, 2005

registration requirements are not preventing the occurrence of underage children as polygamous marriages frequently takes place outside of formal legal systems. The majority of ECMs take place with the overarching consent of the two families and within the privacy of the homes rather than within the legal systems. In addition, the true age of the young girl or boy may be unknown. Many parents falsify young girls' ages. This increases the chances of polygamous marriages for the male spouse as he can choose to have more wives in addition to the young girl.⁹⁶ Considering that a marriage certificate is an essential identity document, this lack of documentation adds another layer of horror to the already dismal consequences of ECM and polygamy. In re-envisioning law and legal strategies to combat polygamy and ECM it is important to capture the harsh experiences of women that are so often legally excluded that something seemingly banal as having a marriage certificate become problematic.

A GLANCE AT THE GLOBAL PREVALENCE OF ECM

Research has shown that not only does ECM occur in many different areas of the world, but also it is widely adhered to because it is simply socially accepted.⁹⁷ Although the research study findings concentrated on Iran, nonetheless ECM is not solely limited to any particular area, level of economic development, or interpretation of religious canon. The issue of ECM is present amongst specific groups residing in developing nations such as Serbia, where about 8 per cent of women were married as children, in Roma communities where 54 per cent of the women were married as children⁹⁸ and in the orthodox communities in Israel⁹⁹.

⁹⁶ Armstrong Ukwuoma -CHILD MARRIAGE IN NIGERIA: THE HEALTH HAZARDS AND SOCIO-LEGAL IMPLICATIONS-2014-
<https://books.google.com.pk/books?>

⁹⁷ Gaffney-Rhys, R. (2011). International law as an instrument to combat child marriage.
 The International Journal of Human Rights, 15(3), 359–373. doi:10.1080/13642980903315398

⁹⁸ UNICEF, “Ending Child Marriage: Progress and Prospects”, (2014).

⁹⁹ Ruth Halperin-Kaddari, “Finally in Israel: A Girl Is a Girl, Not a Bride”, The Jerusalem Post, 2 December 1

However in terms of proportions and numbers, most child marriages take place in rural sub-Saharan Africa, Muslim states and South Asia. These continents are considered to be the hub for the practice of ECM.

According to the *Girls Not Brides Report* “if there is no reduction in child marriage, the global number of child brides will reach 1.2 billion by 2050”¹⁰⁰. In developing countries, the trend of marrying adolescent girls is quite commonplace and deeply entrenched. Older women are not desirable for marriage because of social norms and perceived notions of desirability. As per the 1991 census in India, nearly 5% of girls between the ages of 10 and 14, and over 35% girls between the ages of 15 and 19, were married. As per the findings of the UNFPA, 51% of women in Bangladesh and 74% of women in Niger were married before the age of 18¹⁰¹. In specific parts of West Africa, East Africa and South Asia, marriage before puberty is not unusual¹⁰². In North Africa, the Middle East and other parts of Asia, marriage shortly after puberty is part of tradition and is highly embedded within the culture. Latin America and Eastern Europe are not lagging behind in practicing the ritual of early marriages where female adolescents are often married between the ages of sixteen and eighteen years old. These marriages are mostly forced marriages because these adolescents are coerced into matrimony, without full and free consent and opportunity to exercise their right to choose their partners; therefore, early marriages are also referred to as forced marriages¹⁰³.

¹⁰⁰<http://www.girlsnotbrides.org/about-child-marriage/>

¹⁰¹ Marrying Too Young, 2012, UNFPA, <https://www.unfpa.org/sites/default/files/pub-pdf/MarryingTooYoung.pdf>, Accessed 7/18/2016

¹⁰² Pathfinder International, 2006. Women and girls' empowerment: Preventing early marriage. Available at www.pathfinder.org. Accessed 18/07/2016.

¹⁰³ Clark, Shelley. In press. “Early marriage and HIV risks in sub-Saharan Africa,” Studies in Family Planning

Although there is tepid statistical evidence that ECM is incrementally declining, progress has been uneven across regions and countries. For example, although the overall rates of child marriage are lower in Latin America and the Caribbean, no significant changes have been seen in the prevalence of child marriage. However, in the Middle East and North Africa, the percentage of women married before the age of 18 within the last three decades has declined roughly in half, from 34 per cent to 18 per cent,. In South Asia, the decline has been especially observed in marriages involving girls under age 15, dropping from 32 per cent to 17 per cent. The marriage of girls under age 18, however, is still commonplace. In Indonesia and Morocco, the risk of marrying before age 18 is less than half of what it was three decades ago. In Ethiopia, women aged 20 to 24 are marrying about three years later than their counterparts of three decades ago.¹⁰⁴

Despite gains, this rate of decline is neither on even keel nor keeping pace with the population growth rate. For instance, in some countries where child marriage is the norm, such as Burkina Faso and Niger, the median age at first marriage has not changed significantly. In Burkina Faso, ECM's prevalence has remained steady at around 50 per cent for the past three decades. If this rate prevails the number of child brides will increase substantially in the coming years as the population expands.¹⁰⁵ The rates of progress need to be scaled up simply to offset the population growth in countries where ECM is common place especially amongst the poorest.¹⁰⁶

¹⁰⁴ Child marriage | Child protection from violence...www.unicef.org/protection/57929_

¹⁰⁵ Ibid

¹⁰⁶ Child marriage | www.unicef.org/protection/57929_ A Profile of Child Marriage in Africa

The statistics do not paint a pleasant picture. In 1985, 33% of the girls were married before the age of 18 and 12% before their 15th birthday. Fast forward to 2005–2006 reveals that more than two-fifths of all women aged 20–24 were married by 18 years old and by 2010 this number lowered to 26% and 8% respectively¹⁰⁷. According to UNFPA, nearly one in three girls continues to marry as a teenager in many parts of the developing world, which comprises 34 % of this age group's population. It has been estimated that by 2020, 140 million girls under the age of 18 will be married in which 50 million of them will be under 15 years of age. Every year 14 million girls are married and every day 39,000 girls get married. One in every 9 girls in developing countries is married before her 15th birthday. Estimates suggest that if the marriage patterns remain unchanged, within the next 10 years more than 100 million young women will be married during their adolescence (i.e., before age 18), and roughly 14 million will be married by age 15 . UNFPA has claimed that “between 2011 and 2020, more than 140 million girls will become child brides¹⁰⁸. Today, there is an estimated 580 million teenage girls in the world in which 20,000 are married under the age of 18. If this trend carries on, it is highly plausible that by 2030, 15 million children will be child mothers. It is incontestable that ECM is still a widespread practice.

¹⁰⁷ Gaffney-Rhys, R. (2011). International law as an instrument to combat child marriage.

The International Journal of Human Rights, 15(3), 359–373. doi:10.1080/13642980903315398

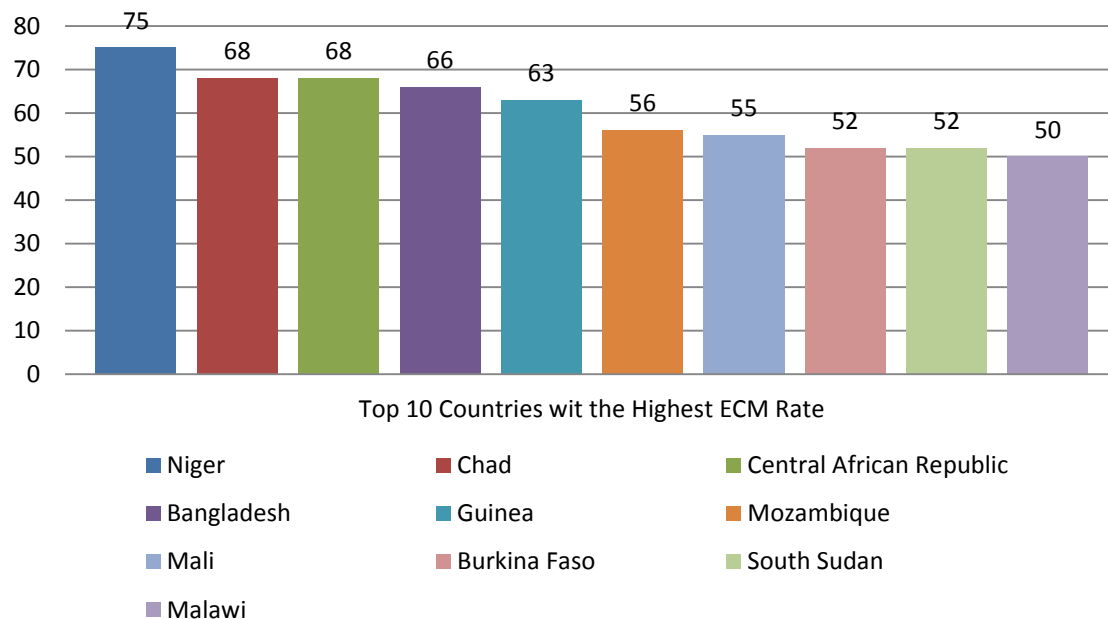
¹⁰⁸ Marrying Too Young, 2012, UNFPA, <https://www.unfpa.org/sites/default/files/pub-pdf/MarryingTooYoung.pdf>, Accessed 7/18/2016

There are 10 countries with the highest rates of child marriage: Niger, 75 %; Chad and Central African Republic, 68 %; Bangladesh, 66 %; Guinea, 63 %; Mozambique, 56 %; Mali, 55 %; Burkina Faso; South Sudan, 52 % and Malawi, 50%. However, whilst the prevalence of child marriage in India is not the highest recorded, the sheer size of its population means that India accounts for one-third of the world's child brides, the highest number of any country in the world.¹⁰⁹

“My mother in law said that I swear you're infertile. So, I cut off the pills I took and got pregnant 2 months later. Then I found out that she intentionally said those things so that I could have a baby. I wanted to have baby in other conditions not in that poverty and as a child; I wanted her wishes to come true. I have anaemia and asthenia.

*Female Respondent, Ahvaz, Koy Al Safi
Female respondent-32 years old
Kuy-e Al-e Safi, Ahvaz city, Khuzestan province*

Top 10 Countries with the Highest ECM Rate



¹⁰⁹ Klugman, J., L. Hanmer, S. Twigg, T. Hasan, J. McCleary-Sills, and J. Santa Maria. 2014. Voice & Agency: Empowering Women and Girls for Shared Prosperity. Washington, DC:

LITERATURE REVIEW

The research literature on ECM has targeted and mostly concentrated on ECM's prevalence in the South Asian and Muslim communities. The available literature is quite vocal about the presence of the highest rates of child marriages in the poorest /undeveloped countries, particularly in the echelons of the lower class with its accompanying meagre resources and/or when it comes to household investment decisions. There has been considerable research conducted over the last decade on early child marriages, including, attempts to understand the demographic and health perspectives, and to analyse some of the factors that contribute to child marriage.¹¹⁰ There appears to be very limited published research that explicitly addresses ECM in Iran. Iran has been ignored.

The reviews suggest that social and cultural norms, including those related to religion, influence the age at which a girl is expected to marry. In addition, socio-economic status, education levels, and community expectations also influence the likelihood of a girl being married early. Less is known about the contexts in which girls themselves make the decision to marry. Many researchers have attempted to proactively deal with the issue of young spouses; however due to ECM's multitude layers of immense complexities, the issue remains a wide -spread problem as recognised in UNICEF's report on *Early Marriage, Child Spouses* (2001)¹¹¹. Another quite renowned and well written report by the World Bank "*Voice and Agency: Empowering Women and Girls for Shared Prosperity*" (2014) acknowledges the fact

¹¹⁰ Klugman, J., L. Hanmer, S. Twigg, T. Hasan, and J. McCleary-Sills. 2014. *Voice and Agency: Empowering Women and Girls for Shared Prosperity*. Washington, DC: The World Bank. [\[CrossRef\]](#)

¹¹¹ UNICEF (United Nations Children's Fund). (2001). *EARLY MARRIAGE, CHILD SPOUSES* [Online] Innocenti Research Centre, Italy <http://www.unicefirc.org/publications/pdf/digest7e.pdf> [Accessed 13-08-16]

that the causes of child marriage are found to vary amongst regions¹¹². The World Bank publications stress the great age gap between spouses as the most common denominative factor within a child marriage. The age gap drastically diminishes the girl's influence over her husband which shapes the power structure at the household and leads to domestic violence¹¹³. The UNICEF report (2001) further supports the discourse of ECM by also addressing the high levels of domestic violence and the miserable contexts of the marriage resulting in many young girls attempting to run away from their chosen spouses. This is of course highly frowned upon and is akin to original sin in South Asian and particularly in the Muslim populated countries. A number of girls who try to escape these unwanted and forced unions have received the ultimate punishment as they are perceived to have tainted the "honour" of their families. The stakes for them are enormous. Their families respond to this highly frowned upon cultural taboo of tarnishing the family honour by serving upon them the ultimate sanction commonly referred to as "Honour Killing."¹¹⁴ This is mainly seen in Bangladesh, Egypt, Jordan, Lebanon, Pakistan and Turkey.¹¹⁵

Similarly UNFPA's report "*Marrying too young: End Child Marriage* (2012) also draws similar conclusions regarding ECM¹¹⁶. The report looks at the confluence of

¹¹² World Bank. (2014). Voice and Agency. Empowering women and girls for shared prosperity [Online] http://www.worldbank.org/content/dam/Worldbank/document/Gender/Voice_and_agency_LOWRES.pdf [Accessed 13-08-16]

¹¹³ World Bank. (2014). Voice and Agency. Empowering women and girls for shared prosperity [Online] http://www.worldbank.org/content/dam/Worldbank/document/Gender/Voice_and_agency_LOWRES.pdf [Accessed 13-08-16]

¹¹⁴ UNICEF (United Nations Children's Fund). (2001). EARLY MARRIAGE, CHILD SPOUSES [Online] Innocenti Research Centre, Italy <http://www.unicefirc.org/publications/pdf/digest7e.pdf> [Accessed 13-08-16]

¹¹⁵ 'Domestic Violence against Women and Girls' (2000), Innocenti Digest No. 6, UNICEF Innocenti Research Centre, Florence

¹¹⁶ UNFPA (United Nations Population Fund). (2012). Marrying too young; End child marriage [Online] New York, USA. <http://www.unfpa.org/sites/default/files/pubpdf/MarryingTooYoung.pdf> [Accessed 13-08-16]

social factors and its impact on people from different regions that practice ECM. UNFPA's report highlights these regional differences and clearly shows the disparities within different geographical pockets.

Nepali Journalist Kamala Sarup (2007), discusses the harmful effects an adolescence girl experiences in an early marriage. The authoress argues that "lack of education, early pregnancy, health problems, forced sexual relations, denial of freedom and personal development and early divorce and abandonment may be relegated to the girls because they are still children- vulnerable and submissive"¹¹⁷.

According to Nawal M. Nour (2006) young girls who are married under the age of twenty are at risk for HIV infection. This observation has been borne out by several studies on the African population. These young girls are often marry to an older more sexually experienced man and are unable to effectively negotiate safer sex, leaving them vulnerable to sexually transmitted infections. A study in Kenya demonstrated that married girls had a 50% higher likelihood of becoming infected with HIV than unmarried girls. This risk was even higher (59%) in Zambia. In Uganda, the HIV prevalence rate for girls 15–19 years of age was higher for married (89%) than single girls (66%); for those 15–29 years of age, HIV prevalence was 28% for married and 15% for single girls. Moreover, as Nour stated, the age gap between men and women was a significant HIV risk factor for the wives. As previously stated young girl may be physiologically more prone to HIV infection because her vagina is not yet well lined with protective cells and her cervix may be more easily eroded. All of these studies showed that girls are being

¹¹⁷ Kamla Saruo 2007-http://newsblaze.com/thoughts/opinions/early-marriage-has-harmful-effects-on-women_2653/

infected by their husbands¹¹⁸. Poignantly, for many of these girls it is their ECM that puts them at risk for HIV infection.

When girls are married as children rather than as an adult woman, the curtailment of personal freedom, the lack of opportunities to appreciate and develop a full sense of self and psychosocial and emotional well-being are curtailed. Those who are most at risk of forced marriage tend to experience multiple inequalities on account of their disadvantaged position within disadvantaged communities. There have been studies that indicate marrying later in life reaps numerous benefits not only for the spouses but also for the forthcoming generations as it ensures a higher possibility of a prosperous and healthy future for the family. Marrying later gives freedom and girls to exercise their right to make choices which potentially free them from all negative consequences of ECM as previously discussed. The UNICEF's report (2011) links marrying later to higher levels of education, empowerment and self-sufficiency, and entry in formal labour force for girls¹¹⁹. The World Bank also states that marrying later and receiving all such benefits contribute to a better welfare and combating poverty in societies¹²⁰. The tragic reality faced by 15 million girls around the globe every year is that they will never be given the opportunity to marry later and reap the benefits.

¹¹⁸ The Inter-African Committee on Traditional Practices Affecting the Health of Women and Children, Newsletter, Early Marriage in South Asia, December 2003.

¹¹⁹ UNICEF (United Nations Children's Fund). (2011). Adolescence: An Age of Opportunity [Online] New York, USA. http://www.unicef.org/sowc2011/pdfs/SOWC-2011-Main-Report_EN_02092011.pdf [Accessed 13-08-16]

¹²⁰ World Bank. (2014). Girls' Education [Online] <http://www.worldbank.org/en/topic/education/brief/girls-education> [Accessed 14-08-16]

EARLY CHILD MARRIAGE PREVALENCE IN IRAN

There is a scarcity of data on ECM in Iran which in turn makes it daunting to assess its exact prevalence in Iran. This is in part due to the fact that many are unregistered and are not an integral statistical part of any standardised collection system prevalence. Even some births in rural areas of Iran are also unregistered¹²¹, making the age of a child at the time of marriage hard to determine. It is unquestionable, however, that the custom of child marriage is widely prevalent throughout all 31 provinces of Iran. A considerable number of children and teenagers in Iran are married before the age of 15.

Paradoxically, it is worth noting that the marriage trends in Iran reflects two divergent balancing acts. On one hand, there is a more modern active generation who delays marriage until later in life. Contributing factors such as gradual relative development, acquired modern lifestyle and personal economic considerations have led this particular generation to postpone marriage to until they are older. Additionally better educated and better-off urban dwellers may have assimilated the norms of the industrialized world such as deferring marriage and child bearing. On the other hand there are young girls and boys who are the unwilling targets or victims of ECM practice.

Under the rigid rules of Islamic Iran, marriage has customarily been the only acceptable form to engage in sexual relations. Engaging in sexual intercourse outside of marriage is problematic, particularly as there are no other culturally sanction way of interacting with the opposite sex. The sexes rarely co mingle.

¹²¹UNICEF- Birth Registration in Iran-An analysis of the state of relevant laws in Iran

Thus, the populace is encouraged to marry very young in order to legitimately engage in sexual intercourse and obey and maintain social order. In this context, many of the marital rules were revised permitting the marriages of children. For political and religious leaders of Iran, ECM has been one of the main discourses as an honourable and acceptable practice, rendering its adverse consequences easier to minimise or



FIGURE 3 MARRIAGE EXHIBITION HELD THROUGHOUT IRAN, SUPPORTED BY THE GOVERNMENT-PHOTO BY: KAMEEL AHMADY

brush aside. After the Islamic revolution of Iran, the laws that limited ECM were viewed as unreligious and against the Islamic Sharia. Ruhollah Amam Khomeini, the leader of the revolution of Iran, in his treatise encouraged marrying young girls, have affairs with them and sensually touch them by their husbands, as long as the actual act of intercourse does not take place.

CHILD MARRIAGE RECORDS IN IRAN

Available government official statistics¹²² indicate that more than 17 % of girls in Tehran and 40 % of girls the Sistan and Baluchistan provinces were married before the age of 18. The rate of teen marriage in rural and urban areas has been reported as 19.6 % and 13.7 %, respectively¹²³. According to the 2015 census in Iran, the highest number of registered marriages pertained to women who were 15–19 years of age¹²⁴. Equally the latest available data on marriage frequency in

¹²² <http://www.sabteahval.ir/>

¹²³ Matlabi. H, Rasouli. A, Behtash. H, Dastjerd. F, and Khazemi. B, "Factors responsible for early and forced marriage in Iran," *Science Journal of Public Health*, vol. 1, no. 5, pp. 227–229, 2013.

¹²⁴ Ministry of Interior National Organization for Civil Registration of Islamic Republic of Iran, 2013, <https://www.sabteahval.ir/Upload/Modules/Contents/asset99/e-g-92.pdf>

2014, showed that the aggregate number of marriage cases for boys and girls under 18 years of age is 287,077 (254,490 girls and 32587 boys). However, there are no exact numbers for this phenomenon, as in most regions marriage ceremonies are concluded within the privacy of the family and are not registered officially.

At least 48,580 girls between 10 and 14 years of age were married in 2011, and 48,567 of whom were reported to have had at least one child before they reached 15 years of age. Some 40,635 marriages of girls less than 15 years of age were also registered between March 2012 and March 2013, of which more than 8,000 cases involved men who were at least 10 years older than their newly acquired child bride. Furthermore, at least 1,537 marriages of girls under 10 years of age were registered in 2012, which is a significant increase compared to the 716 registered marriages that took place between March 2010 and March 2011.

Data on the number of boys affected by child marriage is also limited, making it difficult to draw definitive conclusions on its status and progress. Nevertheless, available data does confirm that boys are far less likely than girls in the same region to marry before age 18.¹²⁵ In 2014, total of 32587 boys were married and 1372 cases got divorced whilst they were younger than 18. The number of child mothers in comparison to child fathers has increased revealing that girls in the age range of 10 to 18, 85 % of the age group population, are married to men 18 years of age or older. Only 15 % of them were married to a person in the same age range¹²⁶. As it will be further examine in the next chapter, divorce is another

¹²⁵ Child marriage | Child protection from violence...www.unicef.org/protection/57929_58008.html

¹²⁶ Industry world, The Condition of Registering marriage of girls under 15 years of age

correlative concern that coincides with child marriage. Divorce rates in Iran at these age groups (10-18) are alarmingly high. According to the latest available demographic data, 21,149 boys and girls who were under the age of 18 were divorced in 2014. The number of registered divorces for girls under 15 years of age has also consistently increased since 2010. The Iranian government's response to the foregoing problem was to pronounce that the law prohibits forced marriage, meaning that all marriages in the country are consensual.¹²⁷

HISTORICAL ROOTS OF ECM IN IRAN

Commentaries made by historians and travellers on their observations about marital norms and situations are also worth mentioning. Their written observations are tangible proof of ECM's existence and historical prevalence in Iran that has now become embedded as custom.

Iran, also called Persia, is a Middle Eastern country located in Southwest Asia. It borders Armenia, Azerbaijan, and Turkmenistan to the north, Pakistan and Afghanistan to the east, and Turkey and Iraq to the west. In addition, it shares the Persian Gulf waters with Kuwait, Saudi Arabia, Bahrain, Qatar, and the United Arab Emirates. Iran has been a part of a so called identical cultural life pattern with other Middle Eastern societies, such as the Arab world. Although Iran is not an Arabic country it has deep roots of mutuality with the Arabic world of Islam. Iran's laws are based on old static Islamic rules. Arabic is a language that is taught at school in contrast to other Iranian nations (such as Kurd, Turk, Baluch, Lur etc) that have not been successful in having academic subjects taught in their own language. These areas of commonality play a significant and influential role of the

¹²⁷ Ministry of Interior National Organization for Civil Registration of Islamic Republic of Iran, 2013, <https://www.sabteahval.ir/Upload/Modules/Contents/asset99/e-g-92.pdf>

Arabic culture that has been embedded and adopted in Iran's history. Therefore we must look at the intricacies of the Arabic world in order to comprehend the historical roots of ECM in Iran.

ECM as a tradition has seeped beyond the Arabic boundaries by promulgation of the Islamic religion. The southern

regions of Iran are heavily populated by Arab Iranians. What was observable were the comparable cultural characteristics exhibited during field work that appeared to be more culturally similar to an Arabic culture than an Iranian culture. The conclusion is that their customs for marriage and acceptable marriage ages were more a reflection of their nationality, rather than the geographical area of Iran. This was observed even amongst the different districts of Khuzestan within south west of Iran. In those practicing ECM villages with Arab, Fars and Lur nationalities, the Arabic villages has alarmingly higher rates of ECM and observed gender subjugation.



FIGURE 4 LUR FAMILY FROM KHUZESTAN SUPPORTS EARLY MARRIAGE TO KEEP THEIR BOYS/GIRL CLEAN-PHOTO BY: KAMEEL AHMADY

In the Arabic Islamic culture the emphasis on virginity is of paramount importance. Virginity and chastity play an imperative role not only in a young girl's life but also in the family's dignity within the social structure. A female's sexuality is linked to the honour and reputation not only of the family but also of the clan, caste, race and ethnic groups. The tradition of ECM that ensures control over a girl's sexuality has persisted across generations as it is handed over from one

patriarchal family to another.¹²⁸ This emphasis on virginity and notions of sexuality can likewise be seen in the Iranian culture. Iranian tradition also places a great deal of emphasis on abstaining from pre-marital sex. In most provinces where fieldwork takes place such as Sistan and Baluchistan, a white napkin or cloth is placed on the newlywed's bed on their wedding night, as the stained bedding and cloth are tangible proof of a bride's virginity. In some cases where the bride does not bleed (i.e. due to various hymen physiology shapes, abnormalities or ruptures without her knowledge), mistrust and suspicion can spur family disputes. This distrust can conceivably become a lifelong hindrance for the young girl. In some cases the lack of blood results in returning the bride to her family the next day and or divorce.

The groom's family can also demand a medical certificate from the bride's family prior to the wedding. This medical certificate can be obtained from the government medical centres where a female physician will examine the bride to be and issue a 'virgin certificate'. Extreme social pressure surrounding virginity for women in Iran has resulted in a surge for hymen restoration surgery performed in private medical centres from physicians who charge exorbitant fees if the bride was sexually active prior to her marriage.

Iran deep roots of mutuality with the Arabic world of Islam can also be seen from a topographical perspective. Arabic countries are geographically located in hot climatic zones. The hot climate has been put forth as one of the major reasons for precocious puberty development in young girls and boys which in turn triggers sexual desire. Many Arabic religious leaders and clerics have reverberated this

¹²⁸ What Causes Early Marriage? - Bell Bajaowww.bellbajao.org/what-causes-early-marriage

school of thought. As religious leaders' commands and statements are exemplary models for Muslims living in Iran, mimicking and obeying them are highly and almost unquestionably respected. Consequently this line of reasoning is commonly believed and accepted by Iran religious leaders and the people in south and eastern Iran. The recorded interviews from our recent study on FGM in these provinces showed how commonplace is this belief that has further justified why ECM has become a widely acceptable social tradition.

DISCUSSION

The aim of this chapter is to increase the awareness of the underlying causes of child marriage, by glancing at the Iranian populace that is characterized to a large extent by child marriage. This chapter defines the phenomenon of ECM in detail as well as its global prevalence and analyses the various underlying factors of child marriage. The chapter further narrates the literature review where the research clearly considers the various ECM obstacles.

Chapter 2 examines the multitudinous and influential variables that contribute to ECM's occurrence provided by an analytical model that is discussed in detail. The independent variables are the cultural capital (including norms and traditions), religious beliefs, social positions, and economic capital and education levels. The control variables are gender and areas of residency. Early marriage assumes the role of independent variables for dependent variables that appear in the presented analytical model. The dependent and independent variables are domestic violence, cultural, poverty, hygiene and health risks. Further understanding on the interplay of the roller coaster variables of age, childhood, religion and outside structural social forces such as wars, humanitarian crises and sustained poverty that serve

to reinforce and validate ECM and impacting girls' mental health and access to education are also probed in Chapter 2. Within Iran, the narrative demonstrates the prevalence of ECM in the country, via statistics and examination of its historical roots as recanted by eminent scholars and historians.

CHAPTER 2

OVERVIEW

While in the vast majority of countries the law grants women the right to consent, in ECM societies these legal provisions are merely symbolic. The question arises, as to what extent a child's consent to marriage and sexual relations can be accepted. For instance, even though numerous legal provisions stipulate this well-trodden statement of consent, they have proven to be insufficient shields against ECM unless they can be referenced to a minimum age of marriage. It is difficult to conceptualise that a 9 year old girl truly has the legal and mental capacity to fully appreciate the nature of the impending marriage and the requisite knowledge about the institution of marriage.

AGE OF CONSENT/EARLY MARRIAGE WITHIN THE LEGAL CONTEXT IN THE WORLD

Although the definition of marriage varies from one culture to another, principally it is a universal cultural institution in which interpersonal relationships are acknowledged¹²⁹. The widespread presumption is that people marry for a range of reasons relating to sexuality, reproduction, kinship, companionship, religion, culture and economic well-being. Notwithstanding its universal presumptions and acceptances what has been noted are the changes in the social trends and attitudes to marriage that have dramatically taken place over the past 100 years. Nowhere is this more evident than the wavering attitude towards the age at which

¹²⁹Haviland, William A.; Prins, Harald E. L.; McBride, Bunny; Walrath, Dana (2011). *Cultural Anthropology: The Human Challenge* (13th ed.). Cengage Learning.

people can marry. Such legal restrictions on the age at which someone can marry are common in many countries, even if the specific age differs from country to country.¹³⁰

Historically, marriages that took place at a relatively young age were commonplace. In fact, prior to 1800, the vast majority of people around the globe lived and worked in the same place. The home was a small factory, seen as a bustling hub of productivity. This geographical proximity of home and work had an impact on how couples viewed their relationship with one another. However, as the Industrialised Revolution expanded throughout North America, Europe and the industrialised world, people increasingly left their agrarian habitats in order to live in urban centres. This economic change from an agrarian to an industrial and service-based economy helped create opportunities for employment for all members of the family. For example, the lives of large sections of the population of Great Britain underwent massive migration changes during the Industrial Revolution. However the Industrial Revolution's greatest impact was its impact on the family structure, notably the institution of marriage. The intensity and timing of marriage were negatively affected by migration flows dominated by young women, resulting in the fertility rate declining as immigration expanded.¹³¹

CHILD MARRIAGE

Historically, child marriage was a common worldwide social phenomena particularly as the average life expectancy was between 40 and 45 years. One of ECM's function was to serve as a replenishment for this short life expectancy and

¹³⁰ Husain Al-Hakami and Kenneth McLaughlin, *Debatable Marriages: Marriage and Child Marriage in Saudi Arabia*, MARRIAGE & FAMILY REVIEW <http://dx.doi.org/10.1080/01494929.2016.1157119>

¹³¹ The age at marriage of migrants during the ...www.sciencedirect.com,

a relatively young dwindling population. However whatever was the rationale for ECM one thing that is certain. The average life span is much longer and if a shorter life expectancy served as a justification for early marriage at one time, it is no longer the case.

In ancient and medieval societies, it was common and accepted for girls to be betrothed at or even before puberty¹³² often at the behest of their fathers. This was seen in ancient Israel where the contractual marriage arrangements of young girls were the undisputed prerogatives of her father. Similar to the Iranian religious structure where puberty and menarche are the biological thresholds that translate into ECM regardless of the girl's biological age, young Israeli girls were married before the age of 15, often at the start of their puberty.¹³³

In the 12th century, Gratian, the influential founder of canon law in medieval Europe, stated that the age for marriage should be around 12 years for girls and around 14 years for boys. However he acknowledged that consent could be granted at a younger age provided the parties had not attained puberty. Thus the marriage would be considered valid as long as neither of the two parties had annulled the marital agreement before reaching puberty, but not if the marriage had already been consummated. Consent was also used as a measuring stick of legal validity as judges sometimes honoured marriages based on the mutual consent of children younger than 7. In contrast to established canon, there are recorded marriages of children as young as 2 and 3 year olds.¹³⁴

¹³² Abgeliki Laiou (1993), *Coercion to sex and marriage in ancient and medieval societies*, Washington, DC, pp 85-190

¹³³ M.A. Friedman (1980), *Jewish Marriage in Palestine*, Vol 1, The Jewish Theological Seminary of America

¹³⁴ Bullough, Vern. "Encyclopaedia of Children and Childhood in History and Society". Faqs.org. Internet FAQ Archives. Archived from the original on 28 September 2008. Retrieved 25 August 2015.

In Greece, early marriage and motherhood for girls was encouraged.¹³⁵ Young boys were expected to marry in their teens as seen in Ancient Rome, where girls married above the age of 12 and boys above 14.¹³⁶ In the Middle Ages under English civil laws, marriages before the age of 16 were commonplace. In Imperial China, child marriage was also commonplace.¹³⁷ Studies and pertinent other sources revealed such voluminous references to child marriage in the 16th-century's literature that it was virtually the norm. It was only towards the 20th century that ECM was questioned. The age of an individuals' first marriage increased in many countries and most countries legally established a minimum marriage age.

By reviewing the history of evolutions and changes in the age of consent worldwide what is noted is the augmentation in the minimum marriage age.

AGE

Although age serves as a bench mark to determine when the marriage of a child is considered unacceptable, in many ECM practising societies, age is often not this attained numerical reference. Instead reference is made to biological or physical indicators, most notably the onset of menstruation. Although logically it is important for a girl to have a degree of emotional and intellectual maturity to enable her to fulfil female social roles and responsibilities associated with marriage, in ECM societies it is apparent that biological or physical indicators

¹³⁵ Nancy Demand (199d4), *Birth, Death, and Motherhood in Classical Greece*, Johns Hopkins University Press, pages 101-104

¹³⁶ Dahl, GB (2010). "Early Teen Marriage and Future Poverty". *Demography*. 47: 689–718.

¹³⁷ Zhao, Z. (1997). "Demographic systems in historic China: some new findings from recent research". *Journal of the Australian Population Association*

persist in being preeminent for determining when girls, much more so than for boys, are perceived mature enough for marriage. Women's readiness for marriage is defined by the onset of menstruation whereas men's readiness is defined by their cultural and social, economic and educational achievements. Consequently female roles and responsibilities within marriage tend to be defined primarily in terms of their reproduction activities that are primarily associated with their biological function rather than age. For women, they now assume the expected role of the keeper of the household, the mother and the subservient wife. In contrast, boys are seen ready for marriage once they have finished their education and established financial independence. Male roles and responsibilities include providing leadership and financial support, which require a higher level of education and the acquisition of skills. The different values that are placed on females respective 'roles' serve to perpetuate the social subordination of women and girls. Biological capacity trumps the actual age.

Many jurisdictions have set a minimum age for marriage, that is, a person must attain a certain age to be legally allowed to marry often at 18 but the age at which a person can be legally married can differ from the age of consent.¹³⁸ In jurisdictions where the marriage age is lower than the legal age of consent, laws usually override the legal age of consent in cases where one or both partners is/are below the age of consent. Nevertheless, in some jurisdictions sex outside of marriage is prohibitive irrespective of age.

¹³⁸ The age of consent is the age at which a person is considered to be legally competent to consent to sexual acts, and is thus the minimum age of a person with whom another person is legally permitted to engage in sexual activity.

As marriage registrations and birth certificates were often non-existent, irregular or not properly recorded it is of no surprise that reliable data for ages at marriage is equally scarce. In England, for example, the only reliable data in the early modern records came from property records made after death. Not only were the records relatively rare, but not all recorded the participants' ages. That said, it seems that the more complete the records, the more likely they were to reveal ECM. Modern historians have sometimes shown reluctance to accept evidence of ECM, dismissing it as a 'misreading' by a later copy of the records.¹³⁹

MINIMUM AGE IN EUROPE

In the 16th century, a small number of Italian and German states set the minimum age for sexual intercourse for girls at 12 years old. Towards the end of the 18th century, other European countries also began to enact similar laws. The first French Constitution of 1791 established the minimum age at 11 years. Portugal, Spain, Denmark and the Swiss cantons initially set the minimum age at 10–12 years.¹⁴⁰ Over time many countries gradually raised the minimum age. The English common law had traditionally set the age of consent within the range of 10 to 12 years old but in 1875 the age was raised to 13. Within the following decade, Portugal, Denmark, the Swiss cantons and other countries raised the minimum age between 13 and 16 years.¹⁴¹ In France, under the Napoleonic Code the age of consent was set in 1832 at 11¹⁴², raised to 13 in 1863¹⁴³ and increased

¹³⁹

¹⁴⁰ Robertson, Stephen. "Children and Youth in History - Age of Consent Laws". George Mason University. Retrieved 29 June 2015.

¹⁴¹ Stephen Robertson, University of Sydney, Australia. "Children and Youth in History | Age of Consent Laws". Chnm.gmu.edu. Archived from the original on 27 June 2010. Retrieved 2010-06-30

¹⁴² "Loi du 28 avril 1832 CONTENANT DES MODIFICATIONS AU CODE PENAL ET AU CODE D'INSTRUCTION CRIMINELLE - Legifrance". Retrieved 29 June 2015

¹⁴³ "Loi du 13 mai 1863 PORTANT MODIFICATION DE PLUSIEURS ARTICLES DU CODE PENAL - Legifrance". Retrieved 29 June 2015.

to 15 in 1945.¹⁴⁴ In Spain in 1822 it was set at the nebulous "puberty age", modified to 12 in 1870,¹⁴⁵ until 1999, when it was raised to the age of 13.¹⁴⁶ In 2015 it was raised to 16.¹⁴⁷ In the second half of the 18th century in large parts in Western Europe the population witnessed a substantial rise in growth. This can be attributed to a fall in the average age at marriage and decrease mortality within in the last decades of the 18th century.

EUROPEAN COUNTRIES / AGE OF CONSENT

In many European countries age is viewed as a valid parameter. For example in Italy and Albania, the age of consent to engage in sexual intercourse is 14 years old which is 4 years younger than the legal minimum age of 18 for marriage. In the United Kingdom it is legal for a man and woman to marry if they are both 16 years old or over, single, widowed, or divorced or if they were in ECM.¹⁴⁸

WESTERN COUNTRIES /AGE OF CONSENT

The term age of consent rarely appears in the legal statutes but to protect children from sexual abuse, many countries have also set a legal age for sexual consent within the range of 14 to 18 year old.¹⁴⁹ Even though numerous laws have also been enacted to establish the age where it is illegal to engage in sexual activity, it

¹⁴⁴ "Ordonnance n°45-1456 du 2 juillet 1945 ABROGE ET REMPLACE L'ART. 331 (AL. 1 ET 2) DU CODE PENAL,MODIFIE PAR LA LOI DU 13-05-1863 (ATTENTAT A LA PUDEUR CONTRE UN ENFANT DE MOINS DE 15 ANS OU NON EMANCIPE PAR LE MARIAGE POUR LES PLUS DE 15 ANS,PUNI DE RECLUSION) - Legifrance". Retrieved 29 June 2015.

¹⁴⁵ "Código penal reformado". sirio.ua.es. 17 June 1870. Retrieved 29 June 2015

¹⁴⁶ "BOE.es - Documento BOE-A-1973-1715". boe.es. Retrieved 23 August 2015.Also See "Ley Orgánica 11/1999, de 30 de abril, de modificación del Título VIII del Libro II del Código Penal, aprobado por Ley Orgánica 10/1995, de 23 de noviembre.". Noticias Jurídicas. Retrieved 29 June 2015.

¹⁴⁷ "Disposición 3439 del BOE núm" (PDF). 31 March 2015. Retrieved 25 August 2015.

¹⁴⁸ Melchiorre, A. (2010). At what age? ... are school children employed, married and taken to court (2nd ed.). UNESCO: Right to Education Project. Retrieved from http://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/RTE_IBE_UNESCO_At%20What%20Age_Report_2004.pdf (Accessed February 11, 2014).

¹⁴⁹ Waites, Matthew (2005). The Age of Consent: Young People, Sexuality and Citizenship. Palgrave Macmillan. ISBN 1-4039-2173-3. OCLC 238887395

has sometimes been used for other meanings, such as the age at which a person becomes competent to consent to a marriage.¹⁵⁰ In Western and European countries age is viewed as a restriction to curtail sexual relationships, resulting in a common legal minimum age for sexual consent in most countries, even if the age differs from country to country. After this minimum age has been attained, sexual relations are permitted.

Recently several Western countries have raised their age of consent. These include Canada (in 2008 - from 14 to 16); and in Europe, Iceland (in 2007 – from 14 to 15), Lithuania (in 2010 - from 14 to 16), Croatia (in 2013 - from 14 to 15), and Spain (in 2015 - from 13 to 16). An observable trend has been noted in which the age of consent for sexual relationships and followed by the age of marriage, have also increased under canon laws. Currently in most North American states, Canada, and European countries the legal age of consent is 18 years of age.

MINIMUM AGE IN MIDDLE EAST

In Kuwait and Libya, the legal marriage age for women has increased significantly. Whereas nearly 40 per cent of women aged 15 to 19 were married in Libya and Kuwait in the early 1970s, by the mid-1990s the available figures suggest that this had fallen between 1 and 5 per cent %, respectively.¹⁵¹ Ethiopia's Revised Family Code of 2000 established the legal minimum age at marriage (LMAM) at 18 years and requires that both spouses give free and full consent. The New Criminal Code of 2005 imposed a maximum prison sentence of 3 years for marrying a girl aged 13 to 17 years and a minimum of 7 years if she is younger than 13.

¹⁵⁰ Oxford English Dictionary, entry for "age of consent"

¹⁵¹ Rashad, H., Osman, M., & Roudi-Fahimi, F. (2005). *Marriage in the Arab world*. Washington, DC: Population Reference Bureau. Rich, A. (1986). *Blood, bread and poetry*

Many Muslim societies such as Algeria, Oman, and Tunisia have set the age of 18 as the legal minimum age of marriage.¹⁵² Saudi Arabia is one of the 74 states that has not set a minimum legal age for marriage, as similar to the Iranian culture, physical puberty is regarded as the marker that distinguishes childhood from adulthood.¹⁵³ As there is no legal minimum age for marriage in Saudi Arabia, puberty is the determinative critical factor in deciding whether or not an adolescent female is ready for marriage. In general, if a girl has reached puberty, she is considered mature enough to get married.¹⁵⁴ However, it is rare that a boy is married before finishing his education and securing employment. Within Saudi Arabia, some human rights organisations and activists have called on government intervention to halt cases of child marriage by setting a legal minimum age for marriage in order to protect children from abuse.

In contrast to Western societies where age operates as restrictive barrier to sexual relations, in Islamic and Arab societies, there is no age restriction on sexual relationships provided they are married to each other. Ironically, whilst consensual sex with girls below a minimum age constitutes statutory rape in the Western world, in practising ECM communities, the same act with a similar aged girl goes unsanctioned under the protective mantle of “marriage”. Therefore, sexual relations with an underage girl is culturally sanctioned in Islamic societies but considered illegal and immoral in Western societies¹⁵⁵

¹⁵² Hermanssem, M. (2012). Muslim youth and religious identity: Classical perspectives and contemporary challenges. In M. J. Bunge (Ed.), *Children, adults, and shared responsibilities: Jewish, Christian and Muslim perspectives* (pp. 119–134). Cambridge, UK: Cambridge University Press

¹⁵³ Husain Al-Hakami and Kenneth McLaughlin, *Debatable Marriages: Marriage and Child Marriage in Saudi Arabia*, MARRIAGE & FAMILY REVIEW, page 9. <http://dx.doi.org/10.1080/01494929.2016.1157119>

¹⁵⁴ Husain Al-Hakami and Kenneth McLaughlin, *Debatable Marriages: Marriage and Child Marriage in Saudi Arabia*, MARRIAGE & FAMILY REVIEW, page 5. <http://dx.doi.org/10.1080/01494929.2016.1157119>.

¹⁵⁵ Husain Al-Hakami and Kenneth McLaughlin, *Debatable Marriages: Marriage and Child Marriage in Saudi Arabia*, MARRIAGE & FAMILY REVIEW <http://dx.doi.org/10.1080/01494929.2016.1157119>

The marriage of pre-pubescent girls thrives. A study from the 40 Demographic and Health Surveys indicates a considerable ratio of women in developing countries continue to marry as adolescents. The study reveals that the highest number of ECM practice is most predominant in Sub-Saharan Africa and in South Asia and practiced with alarming normality in North Africa, the Middle East and Southeast Asia¹⁵⁶ Poignantly, the age of the child becomes even more irrelevant as social upheavals such as humanitarian crises, war and conflict immortalizes ECM.

ECM in HUMANITARIAN OR NATURAL DISASTERS CRISIS

In humanitarian crises, conflicts or natural disasters, ECMs rates increase noticeably. The interrelatedness of ECM with poverty, conflict, and violence¹⁵⁷ cannot be dismissed. ECM essentially is a strategy for economic survival; it means one less person to feed, clothe and educate. Families that are experiencing

“My mother told me that if I wouldn't marry, she'd kill herself. It was important to me to marry someone who I wouldn't have to pretend that everything was okay and fool myself after. I don't know the exact age I was when I got married because my sister's identity was used for me after she died during the Iran -Iraq war.

Zahra, 35 Abadan, Khuzestan province

hardships consider child marriages as the only available coping mechanism to mitigate conflict and violence. It is worth mentioning that child marriages are starkly present in eight countries which are considered to be volatile and fragile states.

¹⁵⁶ International Family Planning Perspectives, 22:148–157 & 175, 1996

¹⁵⁷ Niger, Central African Republic, Chad, Bangladesh, Mali, South Sudan, Guinea, and Malawi are listed as fragile states as defined by OECD. See definition in States of Fragility 2015: meeting post-2015 ambitions. Revised edition, 2015

The complex connections and mutually reinforcing relationship between gender inequality and fragile and conflict affected states (FCAS) has been recognised. SAHL countries¹⁵⁸ are one of the worlds under developed regions. According to the World Bank, around half the population lives on less than US \$1.25 per day, whilst countries such as Niger, Chad, Mali and Burkino Faso remain grounded in the lower echelon of the UN Human Development Index. Women are particularly disadvantaged by a number of intertwined factors such as the regions extreme and highly patriarchal social structures. ¹⁵⁹

In a Council on Foreign Relations paper titled “*Fragile States, Fragile Lives: Child Marriage Amid Disaster and Conflict*”,¹⁶⁰the relationship between child marriage’s prevalence rates and fragile states was equally explored. Existing data and qualitative evidence pointed to an uncomfortable conclusion: countries with the highest rates of ECM tend to be amongst the world’s most fragile and least stable. The numbers are telling: Nine out of these ten countries are on the OECD list of fragile states. Three of the top ten countries, as per the Fund for Peace’s Failed States Index, have ECM rates well over fifty per cent. And nine of the bottom eleven countries on UNDP’s Human Development Index have ECM marriage rates greater than forty per cent. Fragile states and poverty, already pivotal factors in ECM, become even more entrenched in times of war and conflict.¹⁶¹

ECM in WAR and CONFLICT

¹⁵⁸ Ecoclimatic and biogeographic zone of transition in Africa between the Sahara to the north and the Sudanian Savanna (historically known as the Sudan region) to the south. The Sahel part of Africa (from west to east) parts of northern Senegal, southern Mauritania, central Mali, northern Burkina Faso, the extreme south of Algeria, Niger, the extreme north of Nigeria, central Chad, central and southern Sudan, the extreme north of South Sudan, Eritrea, Cameroon, Central African Republic and extreme north of Ethiopia.

¹⁵⁹ Clare Castillejo, Sahel Region of Africa Gender inequality and stae Fragility in the African Sahel KAHN

¹⁶⁰ Child Marriage in Fragile States - Council on...www.cfr.org/global/fragile-states-fragile-lives/p33093

¹⁶¹ Ibid.

Within the history of mankind, the world has born witnessed to an ocean of numerous armed conflicts. These armed conflicts have produced untold victories and untold tragedies. Many civilian lives have been destroyed and communities were torn apart. But deeply entrenched within the devastations of armed conflict, which in and of itself is horrific, lies another devastation: the rise of GBV and the rise of ECM. The ongoing nature and magnitude of ECM against young girls and women carries on during post conflict in foreign military bases, in purportedly safe rescue camps, in camps for refugees where girls mouldered for years, and the internally displaced populace. ECM is a stark ugly reminder that armed conflict, whether pre or post takes its heaviest toll on young girls and women.

Child marriage continues to be a grim worldwide reality for many young girls as a consequence of wars and conflicts. Weaken infrastructures, frayed social fabrics and increased risks of sexual violence and assault that are already present within ECMs are intensified during war and armed conflict. ECM is not new but the conflict has exacerbated the practice at an alarming rate. Young girls and women

“There is a growing number of girls forced to get married for security and economic problems and in the years of war. Families use marriage as a defines mechanism to prevent any violence caused by war. Military forces use sexual harassments as a weapon of war that's why child and early marriages is a way to get out of it for families.

Aram Shakaram

Member of ‘Save the Children Organization’

who find themselves confronted at every turn in the midst of armed conflict and in the path of fighters from radical groups such as the Islamic State and Boko Haram Militants, face a shocking subjection to GBV that is employed as a tactic of terror by these radical groups. The media has diffused harrowing accounts of rape, sexual slavery and ECM being used by extremists including giving young girls as gifts or wives to militant fighters.

As GBV augments in times of war and conflict, families in these war torn regions, frequently turn to ECM as a means of protecting their girls from the disproportionate burden women and children bear during armed conflict.¹⁶² Compounded by war and conflict threats, parents look to alleviate the economic burden and fear produced by wars' instability in their genuine belief that marrying their daughters is the best way to protect them from the risk of sexual violence. ECM takes on a new significance. *A Save the Children* study cites "increasing reports of early marriage as parents take desperate measures to 'protect' their daughters from sexual violence."¹⁶³ After the start of the Iraq war in 2003, many women and girls were prevented from participating in public life or even from leaving their homes without a male escort. This was due to the likelihood of actual and perceived dangers of harassment and physical harm, as well as a resurgence of conservative social mores. In this context, families may consider ECM as the best way to protect their daughters' and families honour.¹⁶⁴ In war-affected areas such as Afghanistan, Burundi, Northern Uganda or Somalia, for example, a girl may be married to a warlord or another authority figure who can ensure that she and her family remain safe. In the Democratic Republic of Congo and elsewhere, girls have been abducted or recruited by armed groups and made into the 'bush wives' of combatants and commanders.¹⁶⁵ Additionally, families in Liberia and Sierra Leone have reportedly turned to ECM due to economic destitution and the violence in refugee camps.¹⁶⁶ ECM has become an ever-growing threat for girls in Syria, and for girls in refugee communities in Jordan, Lebanon, Iraq and Egypt.

¹⁶² Fragile states, fragile lives: Child marriage amid...www.girlsnotbrides.org/fragile-states-fragile-lives

¹⁶³ Save the Children, "Unspeakable Crimes Against Children: Sexual Violence in Conflict," 2013.

¹⁶⁴ The World Bank, "Girls' Education in the 21st Century," 2008, <http://siteresources.worldbank.org>.

¹⁶⁵ UNICEF. 2005. The State of the World's Children 2005. UNICEF: New York, NY.

http://www.unicef.org/sowc05/english/sowc05_chapters.pdf

¹⁶⁶ Ibid.

SYRIA

Syria is a conspicuous example of how ECM thrives during wars and armed conflicts. More than 250,000 Syrians have lost their lives in the armed conflict, which began with anti-government protests before escalating into a full-scale civil war. Millions have been forced from their homes as forces loyal to President Bashar al-Assad and those opposed to his rule battle each other and jihadist militants from ISIS.¹⁶⁷ A number of reports show that armed groups inside Syria and neighbouring Iraq use ECM as weapons of war to panic, intimidate and displace the population.¹⁶⁸

In Syria more than half of the estimated 2.8 million Syrian refugees are under the age of eighteen. Rape has also resulted in what is seen to be an increase in ECM in Syria.¹⁶⁹ Sexual violence in Syria has been documented as a weapon of war used “to intimidate parties to the conflict destroying identity, dignity and the social fabrics of families and communities.”¹⁷⁰ As voiced by women and girls refugees, the fear of rape is cited as one of the main reasons for fleeing Syria.¹⁷¹ But sexual violence has gone largely undocumented given its social stigma and barriers to appropriate psychosocial and medical resources.¹⁷²

¹⁶⁷ Syria: The story of the conflict [www.bbc.co.uk/news/world-middle-east- 11 March 2016](http://www.bbc.co.uk/news/world-middle-east-11-March-2016)

¹⁶⁸ Care, To Protect Her Honour: Child Marriage in Emergencies – The Fatal Confusion Between Protecting Girls and Sexual Violence, 2015

¹⁶⁹ Ibid.

¹⁷⁰ Lisa Davis, “Seeking Accountability and Effective Response for Gender-Based Violence Against Syrian Women: Women’s Inclusion in Peace Processes,” MADRE, March 21, 2013, <http://www.peacewomen.org>

¹⁷¹ Ibid., p. 10

¹⁷² Ibid., p. 8

Before the Syrian conflict, 13% of Syrian women aged 20 to 25 were married before their 18th birthday.¹⁷³ This has changed as ECM now has a new sense of urgency and desperation. Due to the conflict there are strong indications that ECM has increased alarmingly, and in some cases has doubled.¹⁷⁴ In 2011, 12% of registered marriages involved a girl under the age of 18. This figure increased to 18% in 2012, 25% in 2013 and just under 32% in the first quarter of 2014¹⁷⁵. The Syrian crisis has exacerbated pressure on children and their parents to hastily arrange marriages for their underage daughters.¹⁷⁶ In Syria, interviews with refugees point to ECM that have been hastily arranged to “save the honour” of girls who have survived rape or who may be perceived to have been raped.¹⁷⁷

A growing number of Syrian girls are reportedly married off in order to generate income for their poor refugee families.¹⁷⁸ ECM has become an economic coping mechanism. A report from the UN noted that although ECM occurred in Syria’s rural communities prior to the 2011 start of the war, the lack of employment opportunities and family resources has led to even more families turning to ECM for their girls.¹⁷⁹ The charity *Mercy Corps* reported anecdotal stories from refugee families about their sparse resources and the rising pressure to marry children given the continuing instability and the families’ diminished prospects. Twenty

¹⁷³ UNICEF, *State of the World’s Children: Adolescence: An Age of Opportunity*, 2011 as cited in Care, *To Protect Her Honour: Child Marriage in Emergencies – The Fatal Confusion Between Protecting Girls and Sexual Violence*, 2015

¹⁷⁴ Too Young to Wed | Save the Children UK, www.savethechildren.org.uk/.../too-young-wed

¹⁷⁵ UNICEF, *A Study on Early Marriage in Jordan*, 2014

¹⁷⁶ Too Young to Wed | Save the Children UK www.savethechildren.org.uk/.../too-young-wed

¹⁷⁷ UN Women, “Gender-Based Violence and Child Protection Among Syrian Refugees in Jordan, With a Focus on Early Marriage,”

2013, as quoted and cited in Lisa Davis, “Seeking Accountability,” p. 12

¹⁷⁸ Sheera Frenkel, “Teenage Syrian Girls Are Being Sold Into Forced Marriages To Save Their Families,” BuzzFeed, May 20, 2014, <http://www.buzzfeed.com>

¹⁷⁹ UN Women, “Gender-Based Violence and Child Protection Among Syrian Refugees in Jordan, with a Focus on Early Marriage,” 2013, <http://www.unwomen.org>

per cent of registered marriages of Syrian refugee women in Jordan involve a girl less than eighteen years of age. Although ECM rates are difficult to document in an ongoing conflict, such estimates point to an increase from Syria's 11 per cent ECM figures provided by the Population Reference Bureau in 2001.¹⁸⁰ This has created an administrative nightmare. As many refugees are caught up in the on-going Syrian conflict, they have been unable to acquire the means or documents to officially register their marriages. Many have turned to religious leaders, elders, or sheikhs to conduct marriage ceremonies. Unfortunately the resulting marriage contracts are not legally recognized by any state authority and therefore leave women and young girls vulnerable, especially in times of divorce or separation.¹⁸¹

LEBANON

Since the start of the Syrian civil war, several organisations and agencies have attempted to draw attention to the increasing number of ECMs amongst Syrian refugees in Lebanon. In 2014 a UN survey warned that ECM marriage has become omnipresent in higher rates than the average in Syria before the humanitarian crisis erupted, resulting in an 18 per cent of surveyed female youths aged 15-18 years being married.¹⁸² As historically there is a close relationship between Lebanon and Syria, Syrian families tend to marry their daughters to Syrian or Lebanese boys.¹⁸³

¹⁸⁰ Hoda Rashad et al., "Marriage in the Arab World," Population Reference Bureau, 2005, http://www.prb.org/pdf05/marriageinarabworld_eng.pdf

¹⁸¹ Fr UNESCO, "Early Marriage and Early Childbearing: Old for Toys, too Young for Marriage and Childbearing". <http://www.unesco.org/education/www.air-dc.org/pubs/PD8.pdf>-Accessed 20-08-2016 agile States, Fragile Lives Child Marriage Amid Disaster and Conflict

¹⁸² Many child marriages among Syrian refugees driven...www.middleeasteye.net/in-depth/features/early-marriage.

¹⁸³ Ibid.

IRAQ

Valeria Cetorelli's study in demography at the London School of Economics is the first detailed assessment of the 8-year Iraq War's effect on childbearing¹⁸⁴. The study found that before the war, from 1997 to 2003, adolescent fertility in Iraq was stable at just below 70 births per 1,000 girls aged 15-19. However, soon after the start of war, adolescent fertility rates rose by more than 30 per cent, reaching over 95 births per 1,000 girls in 2010. According to Cetorelli's research findings, the reason underlying this rise in fertility is the increase of ECM amongst less-educated adolescents.¹⁸⁵ The World Bank has also noted that "rates of early marriage and teen pregnancy tend to be particularly high in insecure environments."¹⁸⁶

REFUGEE CAMPS

The majority of forced migrants including women have hitherto lived in areas unsuitable for living with respect to the minimal conditions of life and sanitation, tent cities, farms, and dugouts, railroad freight cars, construction sites, etc. ECM flourishes in these harsh conditions. Child marriage has also reportedly increased in Syrian refugee camps in Erbil, and amongst Syrian refugees in Lebanon. Incidences of ECM amongst Syrian girls have also been reported in Egypt and in Turkey.

The reports from the refugee camps in Jordan highlight the increased likelihood of young girls marrying much older men, in the belief that these men can provide financial "protection and stability."¹⁸⁷ Naturally one can reasonably assume that

¹⁸⁴ Study provides rare evidence on effect of Iraq War...www.news-medical.net/news/20141216

¹⁸⁵ *supra*

¹⁸⁶ The World Bank, "Girls' Education in the 21st Century," 2008, <http://siteresources.worldbank.org>.

¹⁸⁷ Lisa Davis, "Seeking Accountability," p. 12

many of the girls are unwilling brides. In Syrian refugee communities in Jordan, ECM has dramatically risen over the years. In 2011, 12% of registered marriages involved a girl under the age of 18. This figure increased to 18% in 2012, 25% in 2013 and just 32% in the first quarter of 2014.¹⁸⁸ Given that many marriages are simply unregistered, it is quite plausible that these figures are much higher.

Cruelly, ECM has a refugee advantage. Many young girls in an ECM to Jordanian husbands now may have an opportunity to secure sponsorship allowing them and their family to relocate and or move out of the camp.¹⁸⁹ The marriages of Syrian refugee women in Za'atari refugee camps to Jordanian husbands who live outside the camp are viewed as means of securing a sponsorship and living in a host community. Additionally some Syrian girls were forced into an ECM before they left Syria as an individual is more likely to be able to enter some neighbouring countries if he/she is married or considered as part of a family.¹⁹⁰

YEZIDI KURDISH WOMEN AND GIRLS

Yezidis are an ethnically Kurdish religious community indigenous to northern Mesopotamia. Even though they are ethnically Kurdish, Yazidis are a distinct and independent religious community with their own unique culture.¹⁹¹ They live primarily in the Nineveh province of Iraq but also in other communities in Armenia, Georgia, Turkey, Iran and Syria.

¹⁸⁸ UNICEF, A Study on Early Marriage in Jordan, 2014

¹⁸⁹ Save the Children, Too Young To Wed: The growing problem of child marriage among Syrian girls in Jordan, 2014

¹⁹⁰ Too Young to Wed | Save the Children UK, www.savethechildren.org.uk/.../too-young-wed

¹⁹¹ "Background: the Yezidi". The Guardian. 2007-08-15. Retrieved 2014-08-09. See also "Who, What, Why: Who are the Yazidis? » BBC World News. Retrieved 2014-08-08.

In 2014, the brutish territorial gains of ISIS resulted in an upheaval to the Iraqi Yazidi population. The town of Sinjar was nearly deserted as the Kurdish Peshmerga forces were no longer able to keep ISIS forces from advancing.¹⁹² ISIS' litany of horrific crimes against the Yezidis in Iraq carried on as stories of forced religious conversions and ECMs emerged.¹⁹³ The precise number of people affected is unknown as the vast majority of Yezidis, (as well Christians, Shiita Shabaks and Turkmen) fled to various areas across Iraq and neighbouring countries. Since the captured of Mosul, ISIS has systematically targeted Iraq's minority communities of Yezidis. The sweeping majority of ISIS prisoners were Yezidis men, women, and children held captive in formal and makeshift detention facilities in Iraq and Syria.

Initially the Yezidis captives were held together but eventually ISIS systematically separated young women and teenage girls from their families. ECM quickly took place as many of the girls were forced to marry ISIS fighters.¹⁹⁴ Typical in war and conflict these captured women were viewed as sex slaves or spoils of war. Women and girls who "converted" to Islam were sold as brides; those who refused to convert were tortured, raped, and eventually murder.¹⁹⁵ Interviews with women who managed to escaped revealed that ISIS corralled the women and children, some who were not more than five years old, into halls and other detention centres and gradually sold them off to fighters as spoils of war.¹⁹⁶ Girls as young as ten¹⁹⁷ were married off to fighters. These ECMs are often temporary marriages as once

¹⁹² Loveday Morris. "Islamic State seizes town of Sinjar, pushing out Kurds and sending Yazidis fleeing". The Washington Post. Retrieved 3 July 2015.

¹⁹³ www.hrw.org iraq-forced-marriage-conversion- yezidi

¹⁹⁴ Iraq Forced Marriage, Conversion for Yezidis forced-marriage-conversion- October 2014.WWW;hrw.org

¹⁹⁵ Islamic State crisis: Yazidi anger at Iraq's forgotten people". BBC News. Retrieved 23 December 2014.

¹⁹⁶ Humiliation replaces fear for the women kidnapped... www.theguardian.com 19 October 2014

¹⁹⁷ Ibid.

the fighters had sex with the young girls, they were passed on to other fighters.¹⁹⁸ Some had been sold in markets in Mosul and in Raqqa, Syria carrying price tags.¹⁹⁹ The Yezidis women and girls were reduced to recycled and resold commodities.

Human Rights Watch has stated the precise number of women and girls being enslaved and forced into marriage is unknown.²⁰⁰ An *Amnesty International's* report, based on interviews with over 40 former captives who were amongst the hundreds of Yazidi women and girls captured by ISIS fighters when the militants overran their hometown of Sinjar, stated that girls aged 10-12 were victims of rape and ECM.²⁰¹

War and armed conflict increase young girls' chances of ECM. In such circumstances, young unmarried girls face ECM as it becomes a more palatable option for parents and families looking to protect their girls. The most vulnerable in society and the most likely to suffer, these young girls and women now find themselves in an even more precarious no win situation as they are even more so vulnerable to exploitation.

THE ROLE OF RELIGION

Within all the layers of complexities about age and evolving notions of maturity, what is apparent is different social activities necessitate a certain age. In today's society where social activities are widespread and involve people's participation, a special hallmark or criteria for defining childhood and adolescence is often

¹⁹⁸ Brekke, Kira (8 September 2014). "ISIS Is Attacking Women, And Nobody Is Talking About It". The Huffington Post. Retrieved 11 September 2014.

¹⁹⁹ Ivan Watson, "'Treated like cattle': Yazidi women sold, raped, enslaved by ISIS", CNN, 30 October 2014.

²⁰⁰ *Supra* at 35

²⁰¹ Iraq: Yezidi women and girls face harrowing sexual...www.amnesty.org/en/latest/news/2014/12/iraq.

missing. Instead it is certain ages and or events that earmark adulthood. Although 18 is considered to be suitable starting age for certain events such as marriage, opening a savings account, alcohol consumption, smoking, and voting in elections, this can be lowered or increased depending on legal and religious norms.

Laws are set and launched according to what is considered beneficial to society. In secular societies where the right to be free from religious rules and teachings, or when a state declares to be neutral from the imposition of religion or religious practices, social and political identities grow out of a different set of norms. In contrast, in some Islamic societies religion is the basis and main source for prescribed laws and established policies. Religion with its dominant power on controlling norms and shaping cultural is an influential and significant force that many societies base their most essential decisions on. In some societies people's fundamental needs are centred on and determined by religious norms. Most religions influence the age of consent and marriage as established religions teachings are persuasive. Often the religious teachings discards individual rights and autonomy and gives way to mechanical adherence. So powerful and entrenched is the gripping role of religion that even parenthood bows to religious obedience in raising a child.

In Christian societies, sex outside marriage is forbidden. Christianity also deemed that children were born in the original sin, and, as such, were perceived as inherently immoral. A controversial policy of the Roman Catholic Church, and later various Protestant churches, was the validation of clandestine marriages or marriages made without parental consent. In the 16th century both the French monarchy and the Lutheran Church sought to end these practices, with limited

success²⁰². In most of North-western Europe, marriage at very early ages was rare. The Church dictated that both the bride and groom must be at least 21 years of age to marry without the families' consent.

ISLAM RELIGION

Sharia law is an Islamic legal system which provides an Islamic alternative to secular models of governance. Muslim-majority societies have varying degrees of Sharia integrated into their legal codes, but almost all use Sharia to govern family affairs. Sharia courts also exist in a number of Western countries, particularly in adjudicate family law for Muslim citizens. Women in societies governed by Sharia have far fewer rights than women in the West. There is no one overarching authority which determines Sharia, nor is there one conception of how women's rights fit into Sharia law. Different interpretations and laws depending on which of the four schools of Islamic Jurisprudence is being used, and the customs of the sects and country in question.²⁰³

The Islamic religion plays a powerful role in sanctioning ECM. Within the Islamic religion even when one takes into account the different geographical locations and time zones stable rules of life are set for all Muslims around the world who follow it. These stable rules of life include the age of maturity and marriage. According to Islam a girl is ready for marriage when she reaches puberty (begins menstruation) even if this religious norm contradicts legal statutory standards. Shari'a law, which

²⁰² "[Ordonnance n°45-1456 du 2 juillet 1945 ABROGE ET REMPLACE L'ART. 331 \(AL. 1 ET 2\) DU CODE PENAL, MODIFIE PAR LA LOI DU 13-05-1863 \(ATTENTAT A LA PUDEUR CONTRE UN ENFANT DE MOINS DE 15 ANS OU NON EMANCIPE PAR LE MARIAGE POUR LES PLUS DE 15 ANS, PUNI DE RECLUSION\) - Legifrance](#)". Retrieved 29 June 2015.

²⁰³ Women's Rights Under Sharia | Clarion Project www.clarionproject.org/.../womens-rights-under-sharia

dominates the realm of family law, provides limited protection for girls and women.²⁰⁴

One of the most virulent basic issues of child's rights in Islamic Republic of Iran is the definition of childhood and its ensuing consequences. The Holy Quran, mentions attaining adulthood or attaining puberty (*al-bulugh*)²⁰⁵. For instance according to Islamic laws an infant girl can be married with her father's approval.²⁰⁶ The word "teenager" does not exist in Islamic literature, and under Islamic law the term "youth" is not included as a specific category.²⁰⁷ From this perspective the onset of puberty, as previously mentioned, marks the end of childhood. However, this bodily-focused view has been criticized by those who prefer a more chronological approach to mark the journey from a child to an adult. Still under the Hanbali School of Sharia law, the father has the right to accept the proposal of a man who wants to marry his daughter even if she has not yet reached puberty. The girl lives with her parents until she reaches puberty and at that time she has the right to accept or reject the marriage. If the girl refuses the marriage a divorce can be obtained although it must be acknowledged that in practice this rarely, if ever, happens. The implied familial and social pressure to accept the marriage and obey one's parents in all respects would of course be very hard for a girl in this position to refuse.

"God *and His prophet say that marriage should be in ages from 10 to 15. Girls have been unlucky from the prophet's time.*

*Female Respondent, 18
Mazandaran province*

²⁰⁴ Iraq - Child Marriage Around The World. Girls Not Brides www.girlsnotbrides.org/child-marriage/iraq

²⁰⁵ Esak, F. (2012). Islam, children, and modernity: A Qur'anic perspective. In M. J. Bunge (Ed.), *Children, adults, and shared responsibilities: Jewish, Christian and Muslim perspectives* (pp. 99–118). Cambridge, UK: Cambridge University Press.

²⁰⁶ Rouhollah Khomeini, *Tahrir Al-vasile*, Translated by Seyed Muhammed Baqer Hamedani, Vol 4, book of questioning *nekah* 12.

²⁰⁷ Hermansem, M. (2012). Muslim youth and religious identity: Classical perspectives and contemporary challenges. In M. J. Bunge (Ed.), *Children, adults, and shared responsibilities: Jewish, Christian and Muslim perspectives* (pp. 119–134). Cambridge, UK: Cambridge University Press

Many marriages in Pakistan take place under Islamic Law with, unsurprisingly, puberty seen as the pivotal moment. A girl can be legally married when she reached puberty or when she reaches the age of 16 year. The Council of Islamic Ideology (CII), an influential constitutional body responsible for providing advice on Islamic law issues, pronounced that girls are ready for marriage as soon as they reach puberty (however the law did not elaborate on a definition of 'puberty') In April 2014, the CII held that to ban these sort of unions was anti-Islamic. It is thought that these rulings will have a major influence on the practices of local religious leaders.²⁰⁸

Despite the tremendous variance in the interpretation and implementation of Islamic law in Muslim societies today, what is widely accepted under Islamic Sharia law is the prohibition of men and women from meeting each other without a chaperon. There is a fear that unmediated interaction between males and females could lead to the development or start of a sexual relationship, something that is forbidden outside of marriage²⁰⁹.

CHILDHOOD AS A SOCIAL VARIABLES

Although views of childhood have changed throughout history according to different societies' perspectives. Childhood is not the same everywhere and whilst all societies do acknowledge that children are different from adults, how they are different and what expectations are placed on them, changes according to the

²⁰⁸ M Zia-ur-Rahman (2014) Pakistan's slow but steady progress on ending child marriage, Available at: <http://www.theguardian.com/globaldevelopment/2014/jun/02/pakistan-progress-ending-child-marriage> (Accessed: 21/08/2014)

²⁰⁹ Husain Al-Hakami and Kenneth McLaughlin, Debatable Marriages: Marriage and Child Marriage in Saudi Arabia, MARRIAGE & FAMILY REVIEW, page 3. <http://dx.doi.org/10.1080/01494929.2016.1157119>.

society in which they live.²¹⁰ There are vast differences between contemporary and historical concepts of childhoods. Pre-modern societies and non-Western cultures have and continue to have a multitude of meanings of childhood. Nevertheless, the perception of childhood is often hinged to various socio-economic and cultural realities.

Prior to the 12th century, there was virtually no notion of childhood at all. Children had minimal rights and were essentially considered the chattel of the father. It was only in the 17th century that the concept of childhood emerged in Western countries. Until the late 18th century, there was still scant understanding of childhood as a concept, and children were seen as "little adults". Between the late 18th century, and especially in the 19th century, attitudes started to change. By the mid-19th century there was increased concern over child sexual abuse.²¹¹ Today under the CRC there is recognition that children are entitled to human rights in their own right. This is a direct stance against the idea that a child is a recipient of privileges bestowed at the discretion the family, community and the State but rather as the bearer of legal rights under international law.²¹²

In many practising ECM societies, autonomy and independence that naturally emerges and develops from childhood into adolescence is seen as an undesirable attribute particularly in young girls whom are expected to be subservient. In general, the male members of the family make decisions regarding their daughters' marriage, placing a host of patriarchal interests ahead of their daughter's well-

²¹⁰ Different cultures, different childhoods -www.open.edu/.../different-cultures-different-childhood

²¹¹ Boxall, Hayley; Tomison, Adam M.; Hulme, Shann (2014). "Historical review of sexual offence and child sexual abuse legislation in Australia: 1788–2013" (PDF). Australian Institute of Criminology. Retrieved 25 August 2015.

²¹² Savitri Goonesekere, *Children, Law and Justice: A South Asian Perspective*, 1997

being and their need for autonomy. ECM conveniently squashes out the normal childhood adolescent period, quenching the sparks of autonomy and strangling the developing sense of self.²¹³ A young girl of twelve and a half is already considered an adult in all respects²¹⁴



FIGURE 5 KURDISH VILLAGE NEAR THE IRAQI BORDER IN WEST AZERBAIJAN-PHOTO BY: KAMEEL AHMADY

Strong cultural and societal acceptability of early marriage plays a significant role. For instance, children who grow up in practising ECM societies may themselves genuinely believe that early marriage is simply an unquestioned social repetition of what their mothers and elder sisters experienced for generations and is therefore an acceptable culture practice.

Poverty eliminates childhood. As reiterated earlier, dire poverty is a principal cause and consequence of the ECM in poor and highly traditional countries. There is ample evidence that poverty is a social as well as an economic element which by definition effects men and women differently due to differences in disparities level. This is quite evident from the fact that countries/regions where girls have equitable access to education, capacity building and employment opportunities,

²¹³ Early marriage - [Unicefwww.unicef.org/sowc06/profiles/marriage.php](http://www.unicef.org/sowc06/profiles/marriage.php)

²¹⁴ Ruth Lamdan: *A Separate People: Jewish Women in Palestine, Syria, and Egypt in the sixteenth Century*, p. 47. Leiden, 2000

early marriages are rare²¹⁵. Sweetman (2003) states in her book that "In the USA, only 4% of girls marry before the age 19, in Canada this is 1%, while in the UK this is 2% only²¹⁶.

EXCHANGING WOMEN

Since colonial times the exchange of women as a selling and buying commodity has been a common practice amongst traditional families²¹⁷. Traditionally exchanging women was leverage and a conflict resolution strategy.. The peace agreement was sealed by exchanging women between the two opposing tribes and usually without the approval of the men or women.²¹⁸ There are very limited cases in which the involved parties refused. The harsh reality is that in these types of marriages, the girls who are the human commodities in the peace agreement, are usually "very young and find it hard to refuse unless they elope or unless there is some resistance to the marriage within the family."²¹⁹ Many of the girls and women sold into marriage are often destined for a lifetime of abuse and hardship.

This sort of bargaining leverage where women are sold or bought as a commodity can be seen principally in Pakistan. In this social custom, two girls are exchanged between the two families as part of a crude bargaining tool and or trade agreement. This is in violation of existing laws. The Child Marriage Restraint Act (XIX of 1929) states clearly that, "whoever, being a male above eighteen years of age, contracts child marriage shall be punishable with simple imprisonment which

²¹⁵ Caroline Sweetman, 2003-Gender, Development and Marriage Oxfam focus on gender

²¹⁶ Caroline Sweetman, 2003-Gender, Development and Marriage Oxfam focus on gender

²¹⁷ Annie Bunting, Benjamin N. Lawrance, Richard L. Roberts- Marriage by Force?: Contestation over Consent and Coercion in Africa- Ohio University Press, 2016

²¹⁸ Gardner, Judith and Judy El Bushra. 2004. "Women and Peace-Making in Somaliland." In Somalia - The Untold Story: The War Through the Eyes of Somali Women. Edited by Judith Gardner and Judy El Bushra. London: Pluto Press.

²¹⁹ Musse Ahmed, Sadia. 2004. "Traditions of Marriage and the Household." In Somalia - The Untold Story: The War Through the Eyes of Somali Women. Edited by Judith Gardner and Judy El Bushra. London: Pluto Press.

may extend to one month, or with fine which may extend to one thousand rupees, or with both." Under the Muslim Personal Law, a girl under the age of sixteen years, in view of the Child Marriage Restraint Act of 1929, is incompetent to contract a marriage. Although the law in theory does not permit the marriage of a girl below the age of 16 years, nonetheless, ways have been found to side step the laws. For example if any girl below the age of 16 years marries in violation of that law, the marriage itself does not become invalid on that count, although the adult husband contracting the marriage or the persons who have solemnised the marriage may be held criminally liable. But if the girl has attained puberty and marries with an adult male of her free will, the marriage is valid under Muslim Law, and the Court acting under Section 491, may grant the marriage.

Thus, this capacity to bypass the law has bolstered the pernicious practices of selling girls into 'marriage' in exchange for money; settling disputes with the exchange of girls known as *vani* or *swara* and the use of a girl as compensation for crimes. Since child marriages are contingent upon large amounts of money exchanging hands, ECM easily slips into the slopes of trafficking and cheap and accessible labour.

Even the laws that require the permission of the courts to legally sanction a child marriage also have negative implications as they bow to structural patriarchal attitudes and deep-rooted stereotypes. Some courts have used their discretion in a way that has negative consequences for girls.

Witness the sheer folly of a bill that was proposed in Turkey. In Turkey 440,000 girls under the age of 18 have become mothers since 2002, 15,937 of them below the age of 15. Child abuse cases have tripled in the past 10 years, during which

"In Karou all the marriages are held between relatives. Zeinab had to get married too soon so that she wouldn't be forced to marry her retarded cousin. Zeinab's mother didn't let her talk during the interview. She said: 'We have to follow our traditions and costumes; it should be in our blood. The mother in law of my daughter is my sister. True that she's just a child but she has to have at least 3 kids to understand the life.

Don't say I have to! Say it's my duty!"

Atife, Zeinab's Mother, 42

Karoun, Khuzestan province

time 438,000 underage girls have been married. In November 2016 Turkey proposed a bill that would pardon men convicted of having sex with underage girls if they marry them. According to the government's rationale, the purpose of the bill was to exonerate men imprisoned for marrying an underage girl apparently with her or her family's consent. Under this bill the perpetrator of the crime would be exonerated from penal prosecution if he is prepared to marry his victim. Even by Turkey's dismal patriarchal standards this strained rationale marked a fresh low as it

descended into farce. This sparked protests across Turkish society and erupted into international condemnation. This bill was heavily criticised by conservative, usually pro-government women, critics and the UN. Opponents of the bill declared and rightly so, that it would legitimise statutory rape, encourage the practice of ECM and in patriarchal Turkey, a young girl would feel unable to give consent. Turkey withdraw the child rape bill after street protests.²²⁰

²²⁰ <http://www.bbc.com/news/world-europe-38061785>

ARRANGED AND FORCED MARRIAGE

Particularly before the 18th century, marriages throughout history had been arranged between families. The practices varied according to the culture, but it usually involved the legal transfer of dependency of the woman from her father to the groom. The emancipation of women in the 19th and 20th centuries changed marriage laws dramatically, especially in regard to property rights and economic status. By the mid-20th century, many Western countries had enacted legislation establishing legal equality between spouses in family law. However legal equality between spouses is absent in a forced marriage

Under international standards, marriage is only valid when it is entered into with the ‘free and full consent’ of both parties to the marriage.²²¹ When free and full consent is not given by one or both parties to a marriage, this is considered to amount to a ‘forced marriage’. In much of human rights literature, the terms ‘child marriage’ and ‘forced marriage’ are used interchangeably, on the basis that meaningful or valid consent to marriage cannot be given by anyone under 18 years of age.

A forced marriage is where one or both people do not (or in cases involving people with learning disabilities) consent to the marriage and or pressure or abuse is used. It is an appalling and indefensible practice and is

“I was chosen by force.

In my husband's custom (in Maraghe) they would kidnap the girl. But in our custom in Gogan it was not good at all! So in case of saving my family's face I had to accept the marriage and get over with it.

Female Respondent, 30 Gogan, East Azerbaijan province

²²¹ International Covenant on Civil and Political Rights, Article 23(2)

recognised in the UK as a form of violence against women and men, domestic/child abuse and a serious abuse of human rights.

In contemporary times it is arranged/forced marriages that has become a common practice, particularly if a young girl becomes pregnant. Pregnancy outside of marriage is an exception to the universal view that forced marriages are unacceptable. Acceptability of child marriage following a pregnancy appears to be exacerbated by the norm that children born to an unmarried mother are 'illegitimate' or 'illegal'. This norm supported by laws (or community interpretations of laws) denies legal identity and access to services to children born to unmarried mothers.

As the overwhelming majority of child marriages are family-arranged²²², many of the arrangements are made by people in a position of power over their children and or adolescents, notably parents, guardians, and community members. In the Arabic and Middle Eastern societies, it is far more common for marriages to be familial homogenous, that is people marrying within their own family lineage in comparison to traditional Western societies. As populations migrate and intermingle, forced marriage can be viewed is also a tool to protect the homogeneity of a particular ethnic group.²²³ Although not unknown in the West, it was, after all, practiced within some members of Royal families through out of history (Queen Victoria and her husband Prince Albert were cousins).

²²² Erulkar, A. S., & Muthengi, E. (2009). Evaluation of Berhane Hewan: a program to delay child marriage in rural Ethiopia. *International Perspectives on Sexual and Reproductive Health*, 35, 6e14.

²²³ Working Group on Forced Marriage. 2000. "A Choice By Right: The Report of the Working Group on Forced Marriage."

Nevertheless, in the Western world marrying within one's own family is increasingly rare.

"I was forced by my parents to engage to my cousin at 13 and I was not allowed to go to school anymore. I went to consultants and psychiatrists after my marriage. I always felt stressed and afraid when I talked to them. I was afraid the way they looked at me. They told me that you have chosen the wrong way and shouldn't have got married till you were 18.

Fateme, 14

*Ali Abad Qeshlaq Village,
Malekan, East Azerbaijan
province*

Adedokun, et. al., (2012) observed that child marriages are often arranged in two distinct ways, within a context of force and coercion, either by parents or other persons in positions of authority in the family who arrange their young daughter's marriage to an adult, often to a much older man, or arranging the future marriage of two children.²²⁴ It is not uncommon to find girls of 7 -14 years already married off and sent to live with the new husbands' families. Prospective husbands are selected based on social, religious and monetary factors whilst age is almost incidental and not considered as an important factor.

The pressure placed on girls to marry against their will can be physical (including sexual threats) and emotional (emotional or psychological blackmail including making the feel she is bringing disrepute and shame on their family). Financial abuse (taking wages or not giving the girl any money) can also be a factor. In

²²⁴ Adedokun, G. N., Tochukwu, H. E. and Adedeji, O. O. (2012): "Early Childhood Marriage and Early Pregnancy as a Risk to Safe Motherhood", A Report on the Regional Conference on Traditional Practices Affecting the Health of Women and Children in Africa, 19-20 Nov. ICA

practising ECM communities where girls and women lack the power and opportunities to access support or redress when in a coercive situation, forced marriages will be very difficult to resist. On the day of the ceremony, it is extremely arduous, if not insurmountable for a young girl to refuse when everything has been organised.

Some young people, especially of South Asian origin, have been taken on visits to the subcontinent by their families, unaware of plans to marry them off. Passports have been confiscated to prevent them returning home. Those who either have been or fear being forced into marriage can become depressed, frightened and develop mental and physical health problems. A number of those trying to escape these unwanted unions have even committed suicide.

There are some who view arranged marriages as a form of forced marriage. In forced marriage, one or both parties are under duress and forced into a marriage against their will, but in an arranged marriage both parties give their full and free will to the marriage²²⁵. In theory an arranged marriage is not the same as a forced marriage, as in the former the spouse to be does have the possibility to reject the offer, and in the latter they do not. Forced marriages differ from arranged ones, which may have been set up by a relative or friend, but are willingly agreed to by the couple.

²²⁵ Foreign and Commonwealth Office & Home Office. (2005). *Forced marriage: A wrong not a right*. London, UK: Home Office. Gangoli, G., & Chantler, K. (2009).

However, the line between arranged and forced marriage is often difficult to distinguish. In reality they are much closer. The girl's consent in an arranged marriage is not absolutely a reflection of her will or choice as it is usually obtained through social and emotional pressure by her parents and brothers. If a woman or young girl tries to resist an arranged/forced marriage she often encounters severe criticism, social ostracism and in some parts of the world honour killing. Similarly, women who refuse to stay in a forced marriage and demand a divorce, face extreme levels of obstacles and isolation. This explains in part why the religious laws and social customs make the process of divorce quite complex and difficult, especially for women. Even if a girl agrees it would be naive not to believe that her consent to enter into an arranged marriage is due to familial and cultural pressure rather than her own free will. The adherence to traditional customs and beliefs of families, clans, and feudal tribes can pressure people to conform. In this respect, distinguishing between arranged marriage and forced marriage is not always easy, although the latter is considered a

"I was 8 when they

forced me to marry. After 2 months I got my first period in my husband's house.

In the wedlock ceremony I was afraid and I didn't know anything. When my husband reached to me I pulled back till he lost his temper and told her mother: she won't let me do it, what should I do?

His mom came and shutted my mouth, put her legs between mine and opened my legs and told her son to do what you want. That night I got transferred to hospital after what happened. From that night I cursed them for what they did to me.

I've been wishing for death since then.

I wish Imam Hussein comes and take me with him, just as some night he came in my dreams and told me I'm here with you.

Etesam, 40 Karoon, Khuzestan province

type of domestic violence that can involve both children and adults²²⁶.

Early child marriage often leads to less egalitarian relationships and lower marriage quality. In ECM women do not have the right to participate in the decision making process, have no access to and control over resources, and do not have the ability to leave, even if there is the threat of violence in the marriage.

MENTAL HEALTH

In ECM practising societies parents have a great deal of authority over when and whom their children marry. This pressure is normalised so that children, above all girls, have very little power to resist.

The stress is enormous The loss of adolescence, the forced sexual relations, and the denial of freedom and personal development as a result of forced and early marriage have profound and deleterious psychosocial and emotional consequences such as depression, lack of self-esteem, and even suicide. ²²⁷The social pressure on young brides to bear a child immediately after marriage is colossal as her newly imposed marriage now becomes the measuring rod of establishing her worth as wife, daughter- and sister-in-law. Child brides do not have the autonomy to negotiate with their spouse, nor the information and reproductive resources to delay the birth of their children. Gargantuan age differences between spouses, limited social supports due to her limited communication, lack of age appropriate peer bonding, low or absence of

²²⁶ Gangoli, G., & Chantler, K. (2009). Protecting victims of forced marriage: Is age a protective factor? *Feminist Legal Studies*, 17, 267–288.

²²⁷ New York Times. 2012. "Where Arranged Marriages Are Customary, Suicides Grow More Common." 12 June 2012.

educational levels, premature death rates and social isolation are the exclusivities of married teenage girls.

Most girls who are in an ECM are quite isolated. Peer bonding is absent. Their husband is someone they literally just met. They have no one to communicate to as they are surrounded by people who are much older and who had been activate participants in endorsing their situation. Often they are confined to the house and quickly immersed in chronic household duties. Their psychological problems remain unknown or ignored by the community, and they become not only reproductive vessels but also invisible victims. Inadequate socialization, discontinuation of education, devastating physiological and emotional damage due to repeated pregnancies obviously are traumatic. Their traumas are often callously regarded as an unavoidable part of life.²²⁸ Child brides often suffer emotional pressure from their families, and husbands or in-laws and they are hindered in their ability to make decisions about their own lives and bodies.

The overall impact of ECM on a girl's mental health is statically hard to calculate due to the absence of data. The negligible data available on this topic indicates the portents of its fragility. There are some few studies that have examined the psychological effects of ECM.²²⁹ What has been revealed is as tragic as the marriage itself. The odds of suicide attempts were twice as high amongst girls with marriage requests as among those with none. A reported 3-month prevalence rates of suicidal ideation and suicide attempts were comparable to the 12-month rates

²²⁸ Berhane-Selassie, Tsehai (1993), 'Early Marriage in Ethiopia', Report to the Inter-African Committee on Traditional Practices Affecting the Health of Women and Children, Addis Abeba

²²⁹ Anastasia Gage, Association of Child Marriage With Suicidal Thoughts and Attempts Among Adolescent Girls in Ethiopia, *Journal of Adolescent Health* 52 (2013) 654e656. www.jahonline.org

established in urban youth aged 15 to 24 years in Asia (8.4% and 2.5%, respectively), but lower than rates in adolescents in Southwest Nigeria.^{230, 231} The study's findings are compatible with the findings in the United States that adult women who married as children were 1.41 times more likely to have had a lifetime history of psychiatric disorders compared to women who married in adulthood.²³² Often the emotional pressure brings devastating results. In 2016, an 11 year old girl from Kurdish town of Kamyaran, in Kermanshah province was forced by her grandmother to enter into an ECM with a 25 year old retarded man. The 11 year old was supposed to start her marital life within a week or two. She hung herself from a gas pipe with her grandmother's veil. She never regained consciousness and eventually died in Besat hospital in Sanandaj. The lack of power that girls have to resist an unwanted marriage, would give rise to suicide ideology.

The mental repercussions of ECM can be vividly seen in Afghanistan where the patriarchal system flourishes. Afghanistan's law tolerate tribal codes and acceptance of ECM. Afghanistan is the only country in the world where the rate of female suicide is higher than that of men, and in the province of Herat almost 100 women a year burn themselves alive. According to the British organisation Oxfam, 8 out of every 10 Afghan women suffer either physical, sexual or psychological violence. In 2015, the Independent Afghan Commission for Human Rights registered 5,132 gender crimes and between April and June 2016 the Ministry of Women's Affairs reported 600. It can be assumed that many go unreported. Many

²³⁰ Blum R, Sudhinaraset M, Emerson MR. Youth at risk: Suicidal thought and attempts in Vietnam, China, and Taiwan. *J Adolesc Health* 2012;50: s37e44.

²³¹ Omigbodun O, Dogra N, Esan O, et al. Prevalence and correlates of suicidal behaviour among adolescents in Southwest Nigeria. *Int J Soc Psychiatry* 2008; 54:34e46. Also see Le Strat Y, Dubertret C, Le Foll B. Child marriage in the United States and its association with mental health in women. *Pediatrics* 2011; 128:524e30.

of these young girls are passed between relatives, offered to others to pay debts or settle disputes and a whopping 60% of girls under the age of 15 are forced to marry men twice their age. These young girls often take their own lives in the most brutal way by drinking rat poison, hanging themselves, jumping into rivers or setting themselves on fire.²³³

As there is relatively little research and lack of data on the issue on the mental health implications of child marriage more empirical studies are warranted.

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EDUCATION

The correlation between the number of years of a girl's education and the postponement of marriage has been firmly established by demographic and fertility studies.²³⁴ Young girls are often married off young because of lack of alternatives.

Educating girls and women is critical to economic development. Research conducted in a variety of countries and regions has established that educating girls is one of the most cost-effective ways of spurring development. Female education creates powerful poverty-reducing synergies and yields enormous intergenerational gains. It is positively

“I have a baby daughter, and I like her to study at school, because my own fiancé didn't let me do that. I was at 9th grade when they engaged me and told me to stop studying.

*Zahra, 28
Heris Village, East Azarbaijan
province*

²³³ <http://www.wunrn.com>, AFGHANISTAN – HIGH FEMALE SUICIDE, MANY BY SELF-IMMOLATION/BURNING; See also <http://theprisma.co.uk/2016/09/05/to-be-born-a-women-to-burn-in-hell/>

²³⁴ Alan Guttmacher Institute (1998) 'Into a New World: Young Women's Sexual and Reproductive Lives' and Forum on Marriage and the Rights of Women and Girls. (2000) "Whose Right to Choose". 15

correlated with increased economic productivity, more robust labour markets, higher earnings, and improved societal health and well-being.²³⁵

Undoubtedly, encouraging employment opportunities for women in non-traditional occupations also helps to promote girls' education and postpone marriage. The minimum age of labour laws and compulsory education laws are thus interdependent: the enforcement of one contributes to the enforcement of the other. The goals of universal education and elimination of child labour are inextricably linked. Access to free and compulsory education until the minimum age for entry to employment is a critical factor in the war on child marriage. In eastern countries in Asia such as Taiwan, South Korea and Thailand, the success of eradicated early marriages for girls was due to economic growth, job creation, education opportunities and decreased birth and death rates.²³⁶ All else being equal, such positive benefits should have the effect of cajoling parents' support for their daughters' education. Although an educated female's potential to contribute to a families' earning should be an enormous economic incentive, this possibility is not recognised in contexts where marriage, dowry, and domesticity is the overwhelming norm for girls.

A lack of education further denies girls' their right to personal development as stipulated in the CRC, which is crucial for them to prepare for adulthood and effectively contribute to the future wellbeing of their families and society. This lack of education and social skills decrease girl's power in their society and restrict

²³⁵ The World Bank, "Girls' Education in the 21st Century," 2008, <http://siteresources.worldbank.org>.

²³⁶ Lotfi, Razie (1389), side effects of early marriages, female and health FAZLNAME, no.2

their social relationships and networks. The inter-relationship between ECM and lack of education and or educational opportunities is by definition the underlying consequences that promotes poor health, low self-esteem and encourages further isolation. ECM often ends a girl's education, particularly in impoverished countries where child marriages are commonplace.²³⁷

Once married, young girls find it daunting to stay in school. ECM spells an end to their formal education as most drop out in the preparatory festive time before marriage or shortly afterwards. Young girls' access to formal education is severely limited because of domestic burdens, childbearing and social norms that view marriage and schooling as incompatible.²³⁸ As ECM impedes a young girls' ability to continue with her education following marriage²³⁹ their attention is shifted on their newly imposed domestic duties and their own children. Many live an isolated life at home to bear and raise a cadre of children who will repeat the intergenerational cycle of early marriages.²⁴⁰ This finding is supported by evidence from the research study as overwhelmingly the interviewees relentlessly stated that once they were married off their education was brutally curtailed with no option to resume it.

The Concluding Observations of the Committee on CRC Relating to Child Marriage noted the persistent discriminatory attitudes towards girls, as reflected in the prevailing preference for males, the persistence of early marriages, the notably

²³⁷ International Center for Research in Women (2005), *Too young to wed: education & action toward ending child marriage*. Washington DC

²³⁸ Mathur, S., M. Greene and A. Malhotra (2003). *Too Young to Wed: The Lives, Rights and Health of Young Married Girls*. ICRW: Washington D.C

²³⁹ Lee-Rife, Susan; Malhotra, Anju; Warner, Ann; McGonagle Glinski, Allison (2012). "What Works to Prevent Child Marriage: A Review of the Evidence". *Studies In Family Planning*. 43: 287–303

²⁴⁰ Tan Micheal, 2004-Child Brides

lower school attendance of girls and its corresponding higher dropout rates. The Committee further raised concern that once girls are married, they are not afforded the protection of the rights enshrined in the Convention, including the right to education under CRC Articles 28 and 29: The right to education on the basis of equal opportunity.²⁴¹

The Convention on the Rights of the Child²⁴², has addressed the education and dropout rates in parts 77 and 78 of the Convention. The Convention on the Rights of the Child Committee, although applauding the seeds of progress in the area of education, including the high rate of enrolment of children in primary and secondary schools, has voiced concern about the high dropout rates of girls in rural schools, the dropout rates of indigenous Arab children upon reaching puberty and the restrictions on the right of girls to education, by court ruling, if a husband finds his wife's education to be "incompatible with the interests of the family or with his or his wife's dignity"

The Committee recommended that the State party: Ensure that girls, including married girls, have access to primary and secondary education without any barriers, including those established by husbands, parents and communities, and raise the awareness of the public about the importance of education, in particular amongst indigenous Arab communities.

Many international conventions and resolution echo this concern of ECM's effects on education. Some of the main treaties are the following:

²⁴¹ Committee on the Rights of the Child, Concluding observations on Nepal, Twelfth session, 1996, (CRC/C/15/Add.57)

²⁴² <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/049/70/PDF/G1604970.pdf?OpenElement>

- In December 2011 a resolution adopted by the United Nations General Assembly (A/RES/66/170) designated October 11 as the International Day of the Girl Child
- On October 11, 2012 the first International Day of the Girl Child was held, the theme of which was ending child marriage.
- In 2013 the first United Nations Human Rights Council resolution against child, early, and forced marriages was adopted; it recognizes child marriage as a human rights violation and pledges to eliminate the practice as part of the U.N.'s post-2015 global development agenda²⁴³
- In 2014 the UN's Commission on the Status of Women issued a document in which they agreed, amongst other things, to eliminate child marriage²⁴⁴
- WHO has recommended increasing educational attainment amongst girls, increasing enforcement structures for existing minimum marriage age laws, and informing parents in practicing communities of the risks associated as primary methods to prevent child marriages²⁴⁵

Whilst the Islamic Republic of Iran is party to the vast majority of relevant international instruments, some of its national codes and laws that legalize forced and early marriages with children ²⁴⁶ clearly contradict its treaties commitments.

²⁴³ Girls Not Brides (2013-09-27). "States adopt first-ever resolution on child, early and forced marriage at Human Rights Council". Girls Not Brides.

²⁴⁴ Liz Ford. "Campaigners welcome 'milestone' agreement at UN gender equality talks | Global development". The Guardian.

²⁴⁵ Chandra- Mouli, Venkatraman; Virginia Camacho, Alma; Michaud, Pierre-Andre (2013). "WHO Guidelines on Preventing Early Pregnancy and Poor Reproductive Outcomes among Adolescents in Developing Countries". *Journal of Adolescent Health*. 52: 517–22

²⁴⁶ Iran - Child Marriage Around The World. Girls Not ...www.girlsnotbrides.org/child-marriage/iran Violations of girls' rights: child marriage and FGM in the I.R. Iran

It is not only girls that pay the cost of ECM. Eventually society pays the burden of restricted female educational in terms of population explosion, lack of effective contribution to the future well-being of their family, society health care costs and lost opportunities of untapped resources and for human development.

EDUCATION AND SOCIO CULTURE INFRASTRUCTURE

Customs and traditions are an integral component of many societies. The curtailment of education is rooted in socio-cultural infrastructures that are deeply encapsulated and can be difficult to change. ECM lingers on as a culturally and socially sanctioned practice on par with some traditional sets of values.

There are an entire range of socio-economic and cultural perspectives centred on ECM that prevails across castes and class and fortifies its existence in society. ECM wrongly assumes that a boy is mature at 15 and a girl is mature at the tender age of 9. An overarching rationale is that girls are viewed as 'liabilities' from birth, traditionally the attitude of the society has been to get her married as early as possible²⁴⁷. This has caused girls to be married in haste, or rather be the unwilling participation in an ECM whilst very young. The curtailment of education seems to be part of the pattern of traditional socio expectations. A girl will be withdrawn from school when a good marriage prospect arises. From a sociocultural perspective it is so necessary to note that many of these young girls are raised confined to household occupations and are expected to marry very young.²⁴⁸ Education is not a factor in their lives.

²⁴⁷ Child Marriage - Child Rights and You www.cry.org > Rights To Know

²⁴⁸ Jones, Gavin (1997), 'Population Dynamics and Their Impact on Adolescents in the ESCAP Region', in Asia-Pacific Population Journal, vol. 12, No. 3

Many families from practising ECM traditional societies firmly believe that investing in girls education is a waste of financial resources when she is simply going to be married and work in another household. The cost of the investment in education reinforce this impetus towards a girl's withdrawal from school.²⁴⁹ It should be noted however, that most young women who married at a very early age had never been to school. In Ethiopia, 30 percent of girls not in school were married before the age of 18. In Nicaragua, 45 percent of girls with no education are married before they turn 18. Approximately 60 percent of girls in Mozambique are married by age 18, and in Senegal, 41% of girls with no education are married as children.²⁵⁰ More than half of Cameroonian girls who have no education are already married compared to 9% of girls with a secondary education.²⁵¹ In Malawi, for instance, nearly two thirds of women with no formal education were child brides compared to 5 per cent of women who attended school or higher levels of education. Equally, in Ethiopia most girls who married at a very early age have never been to school.²⁵² This reflects a lack of opportunities for and investment in these girls, rather than issues related to the quality or protectiveness of the schooling environment.²⁵³ Girls in developing countries often must overcome substantial socio cultural obstacles in accessing educational opportunities. As there is a perceived need to control a female's sexuality, education can be viewed as a threat. Education naturally brings young girls in contact with young boys and thus is often halted in order to prevent girls from interacting and intermingling. Society, therefore, exerts pressure on its members not to abandon ECM practices and exerts pressure to limit her education.

²⁴⁹ Report "Early Marriage: Child Spouses" -...www.unicef-irc.org/publications/pdf/digest7e.pdf

²⁵⁰ Child Marriage and Domestic Violence- ICRW Education and Action Towards Ending Child Marriage.

²⁵¹ WURN Cameroon New rules to Help Child Marriage in Cameroon

²⁵²

²⁵³ Early Marriage, Marital Relations and Intimate...www.guttmacher.org/about/journals/ipsrh/2013/04

According to the decision of the Ministry of Education in Iran, girls are encouraged to marry and simultaneously drop out of school. Under Islamic law, girls' gesture of plucking their eyebrows whilst still in school has been interpreted as a sign of getting married. This spells the end of her education as she is expelled from school by the head teacher.²⁵⁴

CHILD WIDOWHOOD/DIVORCES

Early Child Marriage is a complex issue. Poverty, lack of education, cultural practices, and insecurities fuel and sustain the practice. Deeply rooted in gender inequality, ECMs affects girls particularly when the male is twice the girl's age. Given that girls in child marriages are often significantly younger than their husbands, they become widowed earlier in life and may face an assortment of economic and social challenges for a greater part of their lives in comparison to women who marry later.²⁵⁵ Additionally, as in the vast majority of cases young and under-educated married girls have few, if any, income-generating skills this renders her risk to poverty more acute.²⁵⁶ Societies which practices ECM are more inclined have more child and early widows.

ECM is often linked to wife abandonment, as shown by its twin association with divorce and separation.²⁵⁷ Divorce or abandonment often plunges these young girls into poverty, as the girls usually assume the sole responsibility for her

²⁵⁴ Pucking, Trimming, Shaping, Shaving and Bleaching...www.central-mosque.com

²⁵⁵ Gaffney-Rhys, Ruth (2011). "International Law as an Instrument to Combat Child Marriage". *The International Journal of Human Rights*. 15: 359–373

²⁵⁶ Report "Early Marriage: Child Spouses" -[www.unicef-irc.org/publications/Early marriage child spouse](http://www.unicef-irc.org/publications/Early%20marriage%20child%20spouse)

²⁵⁷ Bruce, J., C.B. Lloyd and A. Leonard (1995), *Families in Focus: New Perspectives on Mothers, Fathers and Children*, The Population Council, New York.

children. The highest frequency of divorce rates amongst young girls and women can be seen between the ages of 10 to 19. This lends itself to the conclusion that divorce is more common in early marriages. Malekshahi, who is the head of jurisdictional commission in Iran's council, stated that "70% of the mutual divorces are related to early marriage cases. Many of these people return to the court saying they got married too soon while having no idea about marriage and they demand a divorce case."²⁵⁸ Even though the divorce rates in Iran have increased by 74 per cent within the last decade, the Iranian government has neither addressed nor even looked into the underlying causes of this statistical surge. Instead the government enacted a decision to not to publish the divorce demographics and rates. In March 2016 Ali Akbar Mahzun, the head of the Information and Population Census Registration Department declared that Census Registration Department's monthly release of statistics will not include the divorce rates as the focus will be more "purpose oriented." He announced that the monthly 4 vital statistics (birth, death, marriage and divorce) would from now on only focus on the three vital statistics. Divorce statistics will be omitted.

Under Articles 1130 and 1133 of the Iran Civil Code men are entitled to divorce their wives whenever they wish. On the other hand women seeking divorce must prove that they are enduring an intolerable level of difficulty and hardship in the marriage such as "the husband having a drug or alcohol addiction which damages the marital life, and which he refuses to quit in a period prescribed by a doctor ... the husband being sentenced to five or more years of imprisonment ... the husband mistreating the wife in a manner that is intolerable in her condition

²⁵⁸ <http://www.scoda.ir>

... [and] the husband being afflicted with some incurable mental illness or contagious disease that disrupts the marital life.²⁵⁹

The research project of the Iran Initiative on FGM/C in Iran.²⁶⁰ showed not only how much more needs to be done in terms of addressing the obvious but also the need for governmental action. Usually cultural considerations have always been taken into account when general policies decisions are made. ECM is an urgent public and social issue yet it has not been publically acknowledged or even discussed freely with Iranian authorities. Clearly this cast doubts on the Iranian government's treaty commitments. This lack of attention is even more so compelling and poignant when one considers that high-level Iranian decision makers are uniquely positioned to identify and address some of the systemic and underlying factors that ECM poses to reproductive health and human rights. Governmental researchers and officials are encouraged to initiate research in this area by raising awareness and promoting ECM's abandonment. Scholars and policymakers' endeavours and efforts must prioritise ECM in order for the Iranian government acknowledges its existence.

From legal, religious and conventional perspectives, marriage is the only acceptable form of concepts of social life as "family", and in demographic planning it has always been a key element for governmental policies. The notion of "family" is integrally tied to the social structure, values, and norms of any society²⁶¹ and often there can be an assumption of a shared understanding of the term.²⁶² In

²⁵⁹ IRAN: Gender Discrimination at Its Worst, impactiran.org/wp-content/uploads/Women-Living-Under..

²⁶⁰ Kameel Ahmady, 2015-"in the name of tradition" Uncut voices, oxford 2016

²⁶¹ Kağıtçıbaşı, İ. (2007). Family, self, and human development across cultures: Theories and applications. Hillsdale, NJ: Lawrence Erlbaum

²⁶² Walsh, M., Stephens, P., & Moore, S. (2000). Social policy and welfare. Cheltenham, UK: Nelson Thornes.

traditional societies such as Iran, where marriage is the only acceptable form of creating a family, then it is high time that ECM is seen as an unacceptable form of creating a family.

When addressing ECM and its accompanying social and variable issues such as escalating divorce rates, curtailed education and the depressing rates of child widows, government sponsored research and data must be allocated in order to provide and guide appropriate policies decisions for the Iranian government. Instead ECM is either normalised, neglected, de facto legitimately recognized or brushed aside. Meanwhile this silent emergency continues to wreak havoc on the lives of young innocent girls.

ECM IN IRAN

Child marriage with all of its causal complexities and indications can be evaluated from various competing points of view. Legal aspects, religious beliefs, gender aspects and also customs and social norms play a considerable role in shaping and comprehending ECM's complexities within Iran. Thus, this chapter of the research study is devoted to variables and indicators that have significantly contributed to the analytical model of this research.

ECM AS GENDER BASED VIOLENCE

Child marriage often leads to violence against the child wife. Girls who marry as children are particularly at risk of violence from their partners or their partners' families. Young girls are consistently more likely to be beaten or threatened by their husbands than girls who marry later. Child marriage often partners young

girls with men who are much older. The greater the age difference between girls and their husbands, the more likely they are to experience intimate partner violence. Girls find themselves in new homes with additional responsibilities, without much autonomy or decision-making power and unable to negotiate sexual experiences within the marriage. Furthermore, child brides are more likely to describe their first sexual experience as forced.²⁶³ Economic dependency and the lack of social support also expose young married girls to other kinds of violent trauma during marriage.²⁶⁴ Often the young girls are forced into household labour in their husband's families which results in the exploitation of the girl child. A child bride is often regarded as a wife- in- training and is considered to be docile and malleable. All of the aforementioned exposes child brides to the greater risk of domestic violence and sexual abuse by her in- law's family.

The widespread traditional practice of temporary marriages (sometimes referred to as fake marriage) further fuels the intensity of child marriages. Often following the initial removal of a young girl from her parental home, under the pretext of marriage, she can be sold into the sex trade, or just sold to another husband, as in the case of ECM. Men may engage in serial unions, marrying a girl for a limited time until she conceives a child (hopefully a boy, if the previous or present regular marriage has failed to produce one), or assists in economic activities. These young girls are then abandoned (and her child, if unwanted) once she is no longer required. Once girls are abandoned, they are unmarriageable and forced to continue a life of exclusion. Child marriage thus turns into human trafficking, free labour, prostitution, or, in short, enslaving a girl for the purpose of indiscriminate

²⁶³

²⁶⁴ Innocenti 9 and 12 (citing data on young girls who are married being exposed to domestic violence in Bangladesh, Egypt, India, Jordan, Lebanon, Pakistan, Turkey and elsewhere).

exploitation. This is one of the prominent contributory factors of the increasing trend of child marriages in Iran. Tracking of such marriages is not easy as they are not registered transactions. Undoubtedly, registration of temporary marriages would not only highlight the ratio of ECM prevalence but also would help in preventing of sex trafficking and child prostitution. However, realistically speaking the unescapable sordid truth is that temporary marriages are rarely if ever registered.

Whilst CEDAW does not mention child marriages as a form of violence against women, CEDAW explicitly mentions forced marriage in its General Recommendations 19 on Violence against Women, as a form of family violence. The Committee has read Articles 2(f), 5 and 10(c) together and has observed that the “traditional attitudes by which women are regarded as subordinate to men or as having stereotyped roles perpetuate widespread practices involving violence or coercion, such as forced marriage”.²⁶⁵

IRAN

Iran is a constitutional Islamic Republic, whose political system is laid out in the 1979 constitution called Qanun-e Asasi. Iran's makeup has several intricately connected governing bodies, some of which are democratically elected and some of which operate by co-opting people based on their religious inclinations. The official name of the country is Islamic Republic of Iran and Shi'a Islam is the official state religion. According to Iran's Constitution, the Supreme Leader of Iran is

²⁶⁵ General Recommendations 19 on Violence Against Women. Para 11

responsible for the delineation and supervision of "the general policies of the Islamic Republic of Iran."²⁶⁶

In the years that followed the Iranian revolution and the Iranian and Iraqi war, a population surge was noted escalating to the point that the new governments were incapable of dealing with this ensuing population explosion. Iran's population grew at a rate of more than 3% per year between 1956 and 1986,²⁶⁷ and eventually increased from 19 million in 1956 to around 75 million by 2009.²⁶⁸ The Iranian government started advocating political policies to decrease the population rate. The early 1990s were the inception of Iran's comprehensive and effective program of family planning. The epidemic demographical slogan "the less the number of children, the better the life" became a hallmark policy for families' reproductive decisions and for population control. This slogan became increasingly popular and accepted. Assisted by and coordinated with the UN, a vast population control propaganda was diffused on every corner, in every district, on brochures, leaflets and books, on television, radio and in community speeches. The population rate started to dwindle in the 1990s after the government initiated this major population control program.²⁶⁹

Over time, an unanticipated by product of the Iranian government's auspicious population control programme emerged. Corresponding to the above cited decades of the government's push for reduced birth rates was its corresponding decline in the marriage age rates. The number of older woman who were of

²⁶⁶ A Guide to the Legal System of the Islamic Republic of Iran www.nyulawglobal.org/globalex/iran.htm, A Guide to the Legal System of the Islamic Republic of Iran . by Omar Sial . Published March 2006

²⁶⁷ MSN Encarta Encyclopedia entry on Iran - People and Society, CIA World factbook 2007

²⁶⁸ Asia-Pacific Population Journal, United Nations. "A New Direction in Population Policy and Family Planning in the Islamic Republic of Iran". Archived from the original on 2009-02-14. Retrieved 14 April 2006.

²⁶⁹ MSN Encarta Encyclopedia entry on Iran - People and Society, CIA World factbook 2007

marriageable age during the revolutionary years, lead to the conclusion that the government sponsored slogan of “the less the number of children, the better the life” actually had an overly prominent effect on population growth and family reproduction. In the ensuing decades, based on the significant population decrease in the lower age groups in the population pyramid that turned the base of the pyramid into a cylindrical shape, policies shifted from its previous position of population control to population growth. Governmental policies were initiated with the aim of increasing the population rate and marriage became the only legal way of having children. The institution of marriage adapted to comply with the new government policies.

Iranian President Mahmoud Ahmadinejad inaugurated this new policy to encourage population growth, dismissing Iran's decades of internationally acclaimed family planning as ungodly and a reflection of Western ideology.²⁷⁰ A broad persuasive propaganda programme was made to augment the birth numbers and rates, including birth related lending loans, six month paid maternity leave for mothers, several weeks paternity leave for fathers, and subsidies. Under Mahmoud Ahmadinejad's government, financial initiatives were also promised to the families for every new child. Money was deposited into a new-born's bank account until the child reached 18. Marriage age and its related conventional beliefs were influence by this government's programme. In essence, this policy rolled back years of efforts to boost the economy by reducing the country's once runaway population growth.²⁷¹

²⁷⁰ Iran encourages population growth - International...www.jpost.com/.../Iran-encourages-population-growth

²⁷¹ IBID



On September 24th 2012, Ayatollah Khamenei the Supreme Leader of Iran also declared the importance and necessity of establishing new population policies. Religious leaders and Marja clerics following suit, by pointing to the marriage and reproduction early ages as a mandate by the Prophets' and Imams' lifestyle and doctrine. The civil code according to Islamic Sharia set the marriage ages as 13 for girls and 15 for boys. Consequently, the average age of marriage for both girls and boys dropped off respectively. Iran's influential and dominant policy systems initially set up to encourage population growth inevitably further encouraged ECM.

AGE OF CONSENT/ MARRIAGE AGE IN IRAN

As previously reiterated, the term age of consent has sometimes been interpreted as the age at which a person becomes competent to consent to a marriage.²⁷² These judicial age settings however are not seen as relevant within the Islamic cultures, because any sexual activity outside of marriage is considered an illegal act.²⁷³ All the same, it is interesting to note that an examination at the Islamic Republic laws on marriage points to significant discrepancies between its national codes and its international obligations. According to the country's first

²⁷²Oxford English Dictionary, entry for "age of consent"

²⁷³ Dhami, S., & Sheikh, A. (2000). The Muslim family: Predicament and promise. *Western Journal of Medicine*, 173, 352.

Supreme Leader, Ayatollah Khomeini and the leader of the Islamic revolution, 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 nursing a baby.²⁷⁴ Outright sexual intercourse with a nine year old was forbidden. Notwithstanding the early prohibitions of sex with a nine year old, the legal age slowly dissipated allowing a child of nine to be married and thus be in a sexual relationship.

Before the 1974 revolution, the Family Protection Law, section 23 held that “Marriage for women before reaching 18 years old and for men before reaching 20 old is forbidden. However, in 1982, three years after the establishment of the Islamic Republic, the legal age for marriage was lowered from 18 to 9 years for girls and 20 to 15 years for boys. Eventually prohibition of marriage for individuals below the legal age was removed in its entirety. Iran has only contradicted its agreed international legal obligations as a signatory to the Convention on the Rights of the Child (CRC), Article 19 of which provides that “States Parties take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse ... or exploitation, including sexual abuse and as a signatory to the International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 10 of which explicitly

²⁷⁴ See Tahrirul Vasileh, Vol. 2, p. 241, Rouhollah Khomeini.

states that “[m]arriage must be entered into with the free consent of the intending

spouses. Iran has also contradicted its own Iran Child Protection Law, which purport to protect [a]ll individuals below the age of 18 from any “exploitation” leading to “physical, mental or moral damage to the child endangering their physical or mental health.”²⁷⁵

Unequivocally, there is no doubt that the tenor of Iran’s civil code contain several provisions that sustain ECM. One of the first changes made during the interim government was the nullification of the Family Protection Law, section 23 and its replacement by Article 1041. Article 1041 of the Iranian Civil Code states the age of marriage for girls is 13 and boys 15. However, the same Act allows girls below 13 and boys below 15 to be married but conditional on the consent of their father and upon the condition of the child’s best interests as determined by a competent court the permission of a court judge.²⁷⁶ In addition, if the child’s guardian (father or grandfather) requests and the court concludes that she/he is adult enough to be married off, the child can be married even at an earlier age. ²⁷⁷ The third chapter of the civil code (Articles 1045 to 1061) refers to the limitations and conditions under which a marriage cannot be considered valid, but the state of being a child has not been incorporated as a reason for invalidation. According to Article 1062 of the civil code, a marriage is valid when clear words and declaration of the marital purpose. Article 1063 stipulates that an agreement and

²⁷⁵ http://www.law.yale.edu/rcw/rcw/jurisdictions/assc/iranislamicrepof/iran_child_prot_law_eng.htm

²⁷⁶ 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.”

²⁷⁷ Iran - Child Marriage Around The World. Girls Not ...www.girlsnotbrides.org/child-marriage/iran Violations of girls’ rights: child marriage and FGM in the I.R. Iran

acceptance of marriage can be pronounced by the man or the women themselves, or by a person on the child's behalf who legally has the right to marry them.²⁷⁸

There is also no doubt that sanctioning a marriage with a child under the age of 13 or even younger has been an influential factor that has further cemented its sustenance amongst the populace. ECM. Official statistics released by the Islamic Republic between 2006 and 2011 involving girls below 10, between 10-14 and 15-19 years in a number of provinces in Iran indicates a staggering increase of 6448 marriages for the three aforementioned age groups. Within the same period, the ratio of marriages involving girls compared to those amongst adults grew by 45%²⁷⁹. The judicial system has bowed to this cringing fact that a child as young as nine may be married. In one egregious case in 2013, there was a legislative attempt to declare illegal and annulled the marriage of a custodian to his adopted daughter. The amended context of the relevant law recognized the legitimacy of such a marriage provided that a competent court considers it to be in the best interest of the child.²⁸⁰

The lowering of the legal age of marriage has not escaped international noticed and has been widely condemned. According to the report from the Special Rapporteur on the Human Rights in the Islamic Republic of Iran, although the legal age of marriage for girls in Iran is 13, in reality girls as young as 9 years old may be married with the court's authorisation. WOMEN LIVING UNDER MUSLIM LAWS (WLUML) has also condemned this. In the course of its first the Universal Periodic Review (UPR) of the Islamic Republic of Iran in October-November

²⁷⁸ Civil code

²⁷⁹ http://www.bbc.co.uk/persian/iran/2012/02/120227_l21_child_marriage_iran.shtml

²⁸⁰ General Assembly UN GeA/69/356 Sixty ninth session

2014 UPR, WLUML stated that Iran accepted, inter alia, to “conduct a policy of zero tolerance towards ... child prostitution”, “improve its policies and programs to advance the status of ... girls and protect children”, “make progress in education and health care, with a particular focus on ... girl children”, and “enhance efforts to further promote economic and social rights, as well as the rights of vulnerable groups, including ... children”. WLUML expressed concerned that these commitments stand in stark contradiction to Article 1041 of the Civil Code that sets the legal age of marriage for girls at 13 and allows girls below this age to be wed subject to the permission of their father or paternal grandfather and the approval of a competent court.²⁸¹

STATISTICAL FIGURES

The statistical data indicates the scope of ECM in Iran. Child early marriage and divorce in Iran is viewed according to its official statistics.²⁸² The total amount of ECMs is plausibly far higher as many of these marriages are not officially registered and records of small villages and rural areas are often not systematically collected.²⁸³ At least 48,580 girls between 10 and 14 years of age were married in 2011, and 48,567 were reported to have had at least one child before they reached 15 years of age. Some 40,635 marriages of girls less than 15 years of age were also registered between March 2012 and March 2013, in which more than 8,000 cases involved young girls married to men who were at least 10 years older than their child bride. Furthermore, at least 1,537 marriages of girls who were under the age of 10 years of age were registered in 2012, which is a significant increase in comparison to the 716 registered marriages between March

²⁸¹ Woman Living under Muslim Law

²⁸² Supra at 153

²⁸³ Ibid.

2010 and March 2011. The number of registered divorces for girls under 15 years of age has also steadily increased since 2010.

Additional official statistics released by the government between 2006 and 2011 revealed that the number of officially registered marriages involving girls under the age of 15 had increased from 33,383 in 2006 to 39,831 in 2011. Official statistics released in 2012 showed that 1,537 girls below the age of 10 and 29,827 girls between the ages of 10 and 14, as being married. Ardebil, a province in northwest Iran, had the highest rate of marriage for girls below the age of 10, 1,411 cases, 67 times more than the next highest province.²⁸⁴ These numbers suggest that Iranian judges are routinely allowing guardians to coerce children below the age of 10 into harmful sexual activities, rendering the minimum age of marriage, which is set at 13, almost entirely meaningless.²⁸⁵ Marriage can take place even for children as young as 13 and 15, as there are other means under Islamic law in which children even younger than these above cited ages can be married with the father's consent and approval. Young girls under this age continued to face the risk of ECM at the whim of a legal guardian and the approval by a court judge.

In September 2013, based on the recommendation of the Guardian Council, the Iranian Parliament revised and approved Article 27, the Bill of the Protection of Children and Adolescents with No Guardian or Abusive Guardian. In essence, the Iranian Parliament legalized marriage between an adoptive parent and his adopted children over the justifiable objections voiced by the public. Iran's

²⁸⁴ Justice For Iran, *Stolen Lives, Empty Classrooms: An Overview on Girl Marriages in the Islamic Republic of Iran* (October 2013), online: <http://justiceforiran.org/wp-content/uploads/2013/10/JFI-Girl-Marriage-inIran-EN.pdf>.

²⁸⁵ IRAN: Gender Discrimination at Its Worst - Impact Iran impactiran.org/wp-content/uploads/Women-Living-Under-

Guardian Council approved Article 27 on 9 October 2013. Adoption of children under state care has also sanctioned the potential marriage of the father to his adopted child under his care. Article 27 reads: "If the head of family wants to marry the adopted child, he should send the young girls details to a court for approval. If the marriage has already taken place, the Welfare State organisation must report it to the court, upon which the decision on the continuation of the care by the same family or its cancellation will be decided." Despite multiple objections by the public, Iran's Guardian Council approved.

Horrifically the sanction of marriage between a girl child and the man whom she had considered her father whilst growing up will create instability, destroys the family social fabric and implicitly sanction paedophilia. This new law will lead to the normalization of

incestuous practices and the promotion of sexual relationships with children. Moreover, it allows the father to consider the child as a potential sexual being and paves the way for the mother to consider the adopted child as a threat to her livelihood whilst growing up. This inadvertently creates a situation with dire consequences.²⁸⁶ Clearly changes to this law and addressing this execrable situation that permits a marriage between a child and the man to whom the child has considered her father, violates many of the international treaties and conventions which Iran is a signatory.

According to a UNFPA report, Iran is among those Asian countries where Sharia law regarding the age of marriage overrides Iran's commitment to the legal age of

²⁸⁶ Iran - Child Marriage Around The World. Girls Not ..www.girlsnotbrides.org/child-marriage/iran Violations of girls' rights: child marriage and FGM in the I.R. Iran

18 as indicated by CRC and ICESR ²⁸⁷and as exemplified in the Majlis Committee for Judicial and Legislative Affairs member Nayereh Akhavan Bitaraf's statement : "Unfortunately, it is not possible to come up with a solution in this matter, because preventing marriages of children under the age of 10 is against religious law, and a child under 10 might possibly be fully sexually and mentally mature. ²⁸⁸The strong belief in ECM and its persistence and prevalence in Iran underscores that social norms are more powerful than laws in Iran.

When social norms and pressures have led people to marry their children at a very early age, legal obligations give way to circumventing the law. One of the easiest way to do so is simply delay the official registration of the marriage. Discussed in greater detail in Chapter Three, a common reaction of parents who want their young child to be married is to circumvent the legal age of marriage by paying for her age. This has been referred to as the “buy in” as observed with the inhabitants in Khuzestan and other provinces. In order to ensure a good price, parents change the girl's original date of birth in order to officially register the marriage. The amount of the money being paid ranges from 100 to 500 thousand Tomans (32 to 160 USD).

As previously stated, if a girl is under the official age for marriage, a letter of permission from the court is required to approve her mental and physical health and puberty. In some of the Sistan and Baluchistan courts, the marriage of a girl under 13 with her parent's approval is considered legal and the procedure of determining whether the girl is in good health only takes a few minutes with

²⁸⁷ <http://unfpa.org/webdav/site/asiapacific/shared/Publications/2012/Child%20Marriage%20in%20Southern%20Asia.pdf>12

²⁸⁸ abnak.ir, January 2, 2013

limited judicial enquiry. The judge would ask questions asked in the courtroom to assess the girl's intelligence and maturity. Sometimes two sets of earrings/jewellery are placed in front of her and the girl is queried as to which one is genuine gold or queried on the current market value of gold.

Gold, femininity and women have a place in the Islamic religion. In the Iranian gold-craving society it seems that purchasing gold is one of the most important issues for a woman. The view of Islamic scholars is that women are permitted to wear gold, in the form of rings, because of the general interpretation and acceptance that it is permissible for women to wear gold.²⁸⁹ Consequently asking these sorts of questions, whilst at first does seem overly simplistic and preposterous, show that the only measurement used to gauge a women's mental health is the price of gold due to its attribution to femininity. This procedure seems to be more of a simple game of personalization rather than a true psychological and legal assessment.

²⁸⁹ Islamqa info/en r 11886: Ruling on women wearing gold rings

YOUNG IRANIAN BOYS

The inception of puberty or menstruation is considered the hallmark for determining when a young girl is ready for marriage. In the context of boy's early marriages in Iran one of the factors that is a major hallmark for defining their maturity is the act of entering the military service. In Iran, all men must spend an obligatory twenty one month military service in order to be considered as a citizen and to receive all the perks and accoutrements that citizenship provides such as having a driving license, a passport, a governmental job, or even the right to have a cushy job with insurance. Numerous other social benefits are dependent on completion of this military service. The military service has coalesced into a cultural coming of age ritual in which men, in both rural and urban areas, are judged and evaluated based on this experience. The hardship of military service renders them as a man. Before fulfilling this military service boys are deemed too young to get married.

"I was very young and seating at the village's mosque with my father and uncles when the Imam married my 9 year old cousin to me in my father's request with no prier planning. She was so young that she was playing in the alley with no scarf. Her mother said I was a religious student and soon I would be a clergyman and she did not approve this marriage so I divorced the girl right away and I got my first wife. I think her mother simply didn't like me and our family. Now I am the village clergy and aware of most things which happens in this village. I won't let my daughter reach 15 for marriage because we don't know if anyone would want her later or not. My sister was 12 when she got married. My niece is now 13, married and not satisfied and I heard she wants divorce. But we are trying to change her mind. It's because maybe women's brain is not completed at this age. That's why it is written in Quran that women are slow-minded: 1.from mental point; one male witness is equal to 2 women witnesses and 2.from religious point; Women cannot do their religious prayers a week during a month because of their period.

Mulla Alireza

HajiAbad Village, Khaf, Razavi Khorasan province

Unwittingly, this hybrid social -smilitary policy has created changes within the marriage culture. What was observed during the field work of this research study

was the dual occurrence of early marriage and the obligatory military service. Families would send their sons to complete the military service whilst they were young in order to prepare them for an eventual ECM. In some cases ECM takes place just before the boy joins the military thus allowing him to shorten his military service obligation as his status is now of a married man. There is also the additional advantage of plausibly being stationed at a military centre in his province to secure approved leave to visit his wife and children.

ROLE OF RELIGION IN PROMOTING CHILD MARRIAGES IN IRAN

The Iranian constitution which adheres to Imamieh's jurisdiction, states that the ages between childhood and adulthood are defined as adolescence²⁹⁰. Imamieh's early jurists held that it is necessary for girls to be married²⁹¹, which cannot be annulled before puberty. However, some of the later jurists believe that if the interests of the premature female are neglected, this matrimony can be annulled.²⁹²

Nevertheless, a few states such as Saudi Arabia, Yemen, and Iran still follow Sharia law, which specifies that once someone reaches puberty age, they are now deemed mature. The statements from religious community leaders often yield clout and influence as exemplified in the quote from a community leader from the Arab dominating province in south of Iran.

²⁹⁰ Ebadi, Shirin, *Regard for children rights in Iran*, Tehran, Roshangaran Publication, 1990

²⁹¹ Allameh Helli, 1414 Hijri, Vol 2, p 856

²⁹² Hamedani, Vol 2, P186

In the Sistan and Baluchistan provinces, the inhabitants have the greatest potential of being swayed by religious leaders especially by the province top clergy Imam Molana Abdolhamid.²⁹³ Not only is he regarded as the senior Imam and religious leader in the province but he is highly respected and regarded as the head of Iran Sunni minorities of south East and West of Iran.



FIGURE 6 LOBBING WITH MOLANA ABDOLHAMID ISMAEELZAH TO PREACH AND SUPPORT ON RAISING CHILD MARRIAGE-PHOTO BY: MOLANA ABDOLHAMID OFFICE

The influence of religious leader cannot be under estimated. For example, an intervention project, whilst undertaking field working for this research study, led to meetings that were arranged with the most influential head leaders in areas. Successful meetings were held on August 7, 2016 with Molana Abdolhamid Ismaeelzahi in the Sistan and Baluchistan provinces. As demonstrated in the following chapter, Sistan and Baluchistan have high rates of ECM in recent decades. Two days after a successful lobbying with Molavi Abdolhamid, he held a

²⁹³ **Molana AbdolHamid Ismaeelzahi** or **Shaikh-ul-Islam Abdolhamid Ismaeelzahi** is a Sunni theologian and the spiritual leader of the Sunni community in Iran. According to a biography published in his website he was born in 1947 (1366 H. Q) in "Galougah" village, an area in the vicinity of Zahedan and educated in Badr-ul-Uloom Hammadiya Islamic seminary Rahimyarkhan, Punjab, Pakistan. Nowadays Makki and its joint institutions are the strongest Sunni religious institutions in Iran with significant political and social influence on Sunnis in Iran. Molana Abdolhamid is well known for his advocacy to Sunni right in Iran. Some of Iranian medias branded him as a moderate Sunni voice in the dominantly [Shi'ites](#) nation.

Friday sermon in which hundreds of thousands of people from the province's main city Zahedan attended. He successfully argued that marriage should occur around the legal age of 18. He added that parents should allow youth to choose his/her partners and that ECM is not beneficial for the young population as they can have a better chance of an education, finding employment and have more meaningful healthy mental and physical outlooks. With his permission, week long workshops took place in the province's top religious schools (Madrasa). As he is highly respected staff and clerics in charge of teaching in such schools received training on the medical, mental and social disadvantages of ECM so that this information could be diffused to thousands of their male and female students.

IRANIAN GOVERNMENTS ATTITUDE

Although developing societies often lose their old beliefs, customs and moral codes as they transition to urbanization and modernization, ECM practices continue to persist during such demographic transitions, and may become even more ingrained and inflexible as a consequence of drastic economic change. As ECM is often mechanically practiced, many governments from practising communities do not take into account ECM's stranglehold grip on its populace when implementing new laws and policies. Many have either chosen to remain impervious, issue a flurry of empty statements, turn a blind eye or give it short shrift. In many practising communities where rampant poverty, chronic civil strife and harsh environmental forces are an integral part of the daily life, ECM may not be on the list of urgent social priorities competing and jostling for governmental attention. This is misplaced as an educated female populace is beneficial to society at large. Ending child marriage will help break the intergenerational cycle of poverty by allowing girls and women to participate more fully within their society.

The Islamic Republic of Iran authorities are taking no positive steps to end the practice of ECM. There are only a few NGOs, civil rights or international organizations that highlight this issue. Iran is yet to demonstrate a commitment to combat ECM and its overwhelming impunity. In fact, according to a UNFPA report, Iran is amongst those countries where Sharia law on the marriage age overrides Iran's commitment to the legal age of marriage. In response to efforts made by UNICEF Representatives of Iran in October 2012, and other civil society and the human rights communities, several Islamic Republic authorities, including the judiciary spokesperson Golem Reza Mohseni, and Tehran Province Population Registry Office Director General, Ahmad Gheshmi, have either denied ECM's existence or justified it in the name of Sharia law. . When a semi-official News Agency(ILNA) published detailed statistics on the proliferation of marriages involving girls under 9 years of age, an advisor to the Minister of Justice, Pooran Valavioun, dismissed the matter by saying: "Marriage is a personal matter, and the regime does not interfere with it. I have worked at the Judiciary Ministry for 22 years, and I never heard of this data. The source that gave these numbers should be held accountable for them."²⁹⁴ Iran's silence in the face of overwhelming evidence that ECM exist is especially perfidious.

WLUML also raised concern about Iran's lack of progress in implementing the recommendations that it accepted during its first Universal Periodic Review regarding the human rights of women and girls. It was noted by WLUML

²⁹⁴ Iran - Child Marriage Around The World. Girls Not ...www.girlsnotbrides.org/child-marriage/iranViolations of girls' rights: child marriage and FGM in the I.R. Iran

that “as part of these recommendations, Iran had committed to “ensure the equal treatment of women and girls in law and practice ”including by “bring[ing] its national legislation into conformity with international obligations on women’s rights” and “reform[ing] the discriminatory provisions of penal and civil laws, including with regard to women’s equal rights in marriage, access to justice and legal discrimination.” However, Iran is yet to take a step toward implementing any of these commitments.²⁹⁵

Iran’s abstract rubber stamp perfunctory signature to numerous treaties has also not translated into concrete backing. Whilst Iran has entered a general reservation to exclude provisions or articles that are incompatible with Islamic laws, it cannot rely on it to justify ECM as that would be incompatible with the very core object and purpose of the Convention on the Rights of the Child . Iran’s chronic feigned indifference stance is also incompatible to The Vienna Convention on the Law of Treaties that has held categorically that a state that ratifies an international treaty establishes on the international plane its consent to be bound by a treaty. Considering that ECM is a serious human rights crisis and one of the most pressing developmental concerns in the world today the Iranian government and policy makers must galvanise propitiously against ECM rather than tacitly ignoring it. The priority is eradication.

CONCLUSION

Child marriage violates the rights of the girl child to be free from all forms of discrimination, inhuman and degrading treatment, and slavery. ECM is a violation of fundamental human rights and that both state and non- state actors must be

²⁹⁵ IRAN: Gender Discrimination at Its Worst - Impact Iran, impactiran.org/wp-content/uploads/Women-Living-Under..

held accountable under international treaty obligations to combat early child marriage. Notwithstanding the various conventions and universal condemnation, ECM still thrives. Although the practice may initially appear attractive it comes at an enormous price for females. Eradicating ECM must take a pre-eminent priority in order to stem its damming consequences.

CHAPTER 3

RESEARCH BACKGROUND

ECM is one of the most debated and widely discussed issue for scholars and human right activists who have worked tirelessly on the grassroots and NGO levels to focus the world's attention to this chronic baseless trampling on the human rights and dignity of vulnerable young children. ECM's prevalence and cultural acceptance, probable rates and frequencies, triggering causes as well as its cascading generational and inter-generational repercussions have become imploring issues for world leaders to invest time, effort and financial support in its eradication. ECM is a matter of great international and national concern, as there is far too little concrete information on its prevalence and/or its impact and far too little programmes of action. Data on child marriage remains limited and piecemeal, particularly in Iran. Consequently, the first requirement in addressing ECM, is recognition that more research and understanding is needed. Comprehensive data as provided in this study are essential to contribute to make significant strides in comprehending standing the consequences and risks associated with ECM and its cultural dynamics in Iran. Forthcoming surveys would

significantly bolster the amount of available information and would contribute to this dire need for more empirical data on ECM.

This research survey on ECM was conceived in 2013 when Kameel Ahmady conducted the first large scale survey on Female Genital Mutilation (FGM/C) in Iran²⁹⁶. What was discovered that in the vast majority of cases, ECM was operating simultaneously or rapidly following with FGM. (See Chapter 1 for an in depth discussion on the disturbing link between FGM and ECM). ECM and FGM



FIGURE 7 FIELD WORK IN RURAL AREAS OF 6 PROVINCES IN IRAN- PHOTO BY: KAMEEL AHMADY

are not accidental occurrences. Equally noticeable was the glaring lack of awareness of FGM's existence in Iran, not only on the international level but even within Iran. Put simply, Iranians were unaware of FGM's existence.²⁹⁷ During the course of ECM research in Iran, what became apparent was a need to bring the sparse discourse of ECM in Iran to the surface and go beyond what has been limitedly and superficially researched.

The study²⁹⁸ unearthed the non-coincidental parallels between ECM and FGM. Young girls who have undergone FGM were also found to have been married at a tender age in comparison to young girls who had not undergone FGM. This fact was immediately observed during the 10 year FGM/C study in all districts that

²⁹⁶ Ahmady, K. 2016. In the Name of Tradition. Female Genital Mutilation in Iran. Frankfurt am Main: UnCUT/VOICES Press. See also **FGM IN IRAN – Kameel Ahmady, kameelahmady.com/fgm-in-iran**

²⁹⁷ **Ibid.**

²⁹⁸ Kameel Ahmady. In the Name of Tradition. Female Genital Mutilation in Iran. pp.49. Frankfurt am Main: UnCUT/VOICES Press 2016 & <http://kameelahmady.com/fgm-in-iran>

were selected for sampling. During the first scanning and screening of ECM study's field work that was in progress, it was rapidly understood that these two gender oppressive issues were inherently intertwined. As discussed in greater detail in Chapter 2, this was particularly glaring in the rural areas of Iran where the study was primarily focused. Partly due to the study on FGM in Iran, it became glaringly obvious that a study was warranted to raise awareness of ECM's widespread prevalence in Iran.

The objectives of this study are twofold: firstly, to present available empirical evidence obtained through interviews in order to gauge the prevalence of ECM and to identify and understand the host of socio factors associated with child marriage in Iran. Iran is divided into 30 provinces. These are: Ardabil, Azarbaijan-e Gharbi (West Azarbaijan), Azarbaijan-e Sharqi (East Azarbaijan), Bushehr, Chahar Mahaal and Bakhtiari, Esfahan, Fars, Gilan, Golestan, Hamadan, Hormozgan, Ilam, Kerman, Kermanshah, Khorasan-e Jonoubi (South Khorasan), Khorasan-e Razavi (Razavi Khorasan), Khorasan-e Shomali (North Khorasan), Khuzestan, Kohkiluyeh and Buyer Ahmad, Kurdistan, Lorestan, Markazi, Mazandaran, Qazvin, Qom, Semnan, Sistan va Baluchistan, Tehran, Yazd, Zanzan.²⁹⁹ Qualitative data was collected through a series of questions and interviews with the child bride or groom. In total 500 interviews took place in seven selected provinces with the following breakdown:

Provinces and percentage of female respondents:

Razavi Khorasan 33(82.5)

²⁹⁹ A Guide to the Legal System of the Islamic Republic of Iran
www.nyulawglobal.org/globalex/iran.htmlCached

East Azerbaijan 31(64.6)
 Khuzestan 36 (87.5)
 Sistan and Balouchestan 33(67.3)
 West Azerbaijan 34 (70.)
 Hormozgan 42 82.4
 Isfahan 37 (84.1)

The interviews that were carried out with young community members included not only young boys and girls from the age of 12 years but also parents, key stakeholders, as well as community leaders and government officials.

Secondly, the research study was designed to collect in-depth, contextual information on the nature and causes of child marriage and how child marriage is perceived and understood within the seven selected Iranian provinces. The research study is based on the premise that ECM and its prevalence is influenced by cultural norms that create and reinforce ideas and shape expectations about the acceptability of child marriage.

What little has been mentioned is superficial, confined to media, internet activism reports and/or in reports of a non-analytical nature such as the statistics on the registered rates of ECM. In most cases the study of ECM in Iran had gone no further than a local micro-level analysis. Even the descriptive statistical studies from university theses failed to trigger a governmental response. Despite ECM potent pervasiveness, these academic studies have mostly been ignored and or failed to attract the governmental authorities' attention. In Iran there has been a meagre

pool of information on this subject. Very few individuals have conducted studies to identify ECM's depth and prevalence within the country. Iran, with its considerable ECM rates has never been the recipient of any sort of comprehensive in-depth research methodologies.

Whilst some descriptive statistics do provide a global picture of ECM in Iran they do not provide an analysis of its overall effects on the forced imposition of marriage on children and the harmful risks of being married as a child in Iran. As per the National Organization for Civil Registration, census on geographical statistics do provided yearly data on four main demographical information: birth, death, marriage and divorce rates. These data has always been publically available. What is missing are the underlying covert reasons hovering behind each statistic that goes far beyond the numerical entity.

For many years the Iranian governmental officials were more focused on decreasing population growth aided by robust government initiatives and subsequently increasing population growth by offering financial incentives. Individual concerns were not successful in securing NGO's financial support to carry out further research about ECM. What was lacking was a practical problem-centred and issue-oriented research based on ECM specifically in Iran. This is utmost in order to achieve significant progress in fully understanding the causes and risks of ECM and identifying the social and geographical similarities and differences that nourish ECM. Iranian policymakers are missing an opportune chance to explore the unique social and culture reasons behind ECM's steadfast adherence.

It is our desire that this research study findings will be shared amongst key stakeholders from various governmental ministries and non-governmental organisations to promote change. These agents of change will hopefully incorporate government policies and programmes designed to promote eradicate ECM equality, as well as development programmes implemented by nongovernment agencies (NGOs) promoting gender equality. In order to accomplish this, much more is needed to present the facts and statistical data that could readily available for the public.

From the onset it was quite inauspicious to obtain accurate data on the true extent of ECM as some parents resorted to fabricating the girls' age and or simply not officially registering the marriage. This lack of registration goes far beyond an administrative lapse or missing document. These under age marriages are not under the legal scrutiny of a court thus denying girls the benefit of a measure designed to safeguard their interests³⁰⁰ resulting in a lack of legal protection for the spouse and future children.³⁰¹

RESEARCH APPROACH

Initially, a desk review was carried out to examine existing literature on ECM along with a review of international and domestic law. This was crucial in order to understand the nature and extent of child marriage. As an integral first step of choosing this topic of ECM in Iran, previous topics of interest in gender based

³⁰⁰ UNICEF, Child marriage in Jordan, 2014, p 1

³⁰¹ Amani Campaign, Interagency child protection and gender based violence campaign, Jordan 2014 p 12, data.unhcr.org/syrianrefugees/

violence studies, empowerment of women and the experience of gathering related information on FGM study were influential.³⁰²

As a rule of ethics in research, a research study must implement an objective and ethical approach in all stages. The ethical standards remove any bigotry selection, decision and arrangement of any part of the schedule. Shifting to the next stage, all judgmental presumptive had to be put aside as an objective qualitative approach was needed to furtherance the concept of ECM in those rural areas where it operates as a vital function within the cultural-religious-legal framework. This was essential to have a neutral and unbiased understanding of the issue. The aim was to grasp the meaning of ECM with all its inherent complexity. Nonetheless, this research study reflects an absolute rejection of ECM. Our views exist alongside the United Nations and numerous NGO and we stand shoulder to shoulder with the world-wide condemnation of this senseless and extremely harmful practice. The research study primary objective is to raise awareness of the situation and, where necessary, to stimulate governmental action.

What was observed in Iran was that ECM reflected adherence to custom and as a means of survival. ECM is a highly pervasive issue in Iran and the practice is especially prevalent in rural areas. Some of the populace view it as a defence mechanism in order to assure a safer or better life for their children, some view it as bowing to the social pressure of marrying the young and innocent and some view it as an integral part of their religious duty and thus arranged ECM on their own volition. Additionally, the social stigma and taboos such as premarital relationships and sex are contributing main rationales why ECM is still practiced

³⁰² Ahmady, K. 2016. *In the Name of Tradition. Female Genital Mutilation in Iran*. Frankfurt am Main: UnCUT/VOICES Press..

and even encouraged. By envisaging a research study that encompasses all cultural differences and by being physically present within the country assured a high level of objectivity and realism. The main goal above all, was to have a genuine and candour knowledge of ECM in Iran.

The qualitative approaches, descriptive explanations and independently ascertain facts are discussed. In our approach the manner of evaluation is a problem-centred and impartial approach.

Given that as with any method of data collection, our study does have its limitations. As qualitative research, subjectivity is an issue and some bias on behalf of the researcher is unavoidable. However, every effort was made to eliminate bias as much as possible. Time and budget restrictions also meant that the sample size is small. Consequently, the findings may not be representative of the broader population in Iran. Nevertheless, the rigorous and participatory method in which the questions were designed meant that the data collected was rich and informative. The participants were guaranteed confidentiality and provided with a safe space to share their intimate experiences and views. Mindful of individual subjectivities, the author, a native speaker, has interpreted and translated the words of the respondents as accurately as possible



FIGURE 8 QUESTIONS & DISCUSSION WITH LOCALS IN EAST AZERBAIJAN PROVINCE WHICH HAS HIGH RATE OF ECM- PHOTO BY: KAMEEL AHMADY

Throughout the research study report, the findings are based solely on the words of the participants. Their quotes are used throughout the reports. The quotes encompass a range of topics including the young girls' understanding of the causes/ and consequences of child marriage and their access to information and services. They provided a unique opportunity to address sensitive issues. The quotations are used to explore the realities of child brides, to provide a more thorough elaboration on the subject and to assure validity and genuineness. The quotes also yield rich narrative data and provided a crucial insight on how people view ECM. The illustrative quotations were also selected to capture the essence of each theme and were used extensively throughout this report to exemplify key themes. As well as encapsulating child brides' perception of ECM, the quotes provide an elucidative and detailed account of how ECM affects young girls' day-to-day lives.

The field visits and discussions exposed a multitude of factors that explain ECM sustained existence, widespread acceptance and endorsement, despite legal barriers. The research study yielded the following conclusions:

- First, social groups follow traditions from previous generations without questioning its contemporary relevance. Early marriage allows parents to waiver 'responsibility' of settling their children.
- Secondly, economically weak and large families are encourage by the practice as it helps to send off a girl children early, whilst marriage of a boy brings an additional hand to assist and contribute to the household and economic activities.

- Thirdly, members from practicing child marriage communities tend to have little or no formal education. The low levels of education coupled with an intense belief in religious mandates or scriptures, particularly the idea that mandates or scriptures contain prescription for early marriage, drive families to fulfil this "obligation."
- Fourth, early marriage ensures fuel "utilization" of fertility and childbearing capacity.
- In addition to all the foregoing, robust caste ties limit the availability of suitable marital partners.

Technically, this study offers a novel approach that gives a voice to the silence surrounding ECM and to its survivors. This framework provided a rare opportunity to express their pain that has essentially not been recognised or heard. To do so, the questionnaire was designed to be open ended and the respondents felt free to add or express whatever they assumed was important.

As trust and confidentiality were necessary, the study's surveyors were trained to ensure this within a comfortable and friendly environment. Qualitative data was collected through a series of key informant, semi-structured interviews. The respondents were free to answer, to continue or to stop the interview. Some respondents preferred not to state their names, and some only used their first name. Their choice was respected. The research study recorded their opinions exactly the way they responded meaning that in some cases we have shared their

names, and in other cases only the information that they allowed was reported. There are also quotations from previously published or general point of views from presidents, leaders, community figures, religious rulers, and other governmental authorities where the publication of names would not be considered a violation of research's ethics and moralities.



**FIGURE 9 ARAB FAMILY IN KHUESTAN PROVINCE-
PHOTO BY: KAMEEL AHMADY**

RESEARCH METHODOLOGY

The methodological approach adopted by this research is designed as a qualitative large-scale method. As no previous sort of research or known methodology was available to use as a point of reference or as a comparative analysis, existing research methodology compatible to the subject matter was absent. This clearly indicates a need for additional data analysis and studies that explicitly addresses ECM in Iran. Further comprehensive analysis and studies are essential in order to strive for significant progress in fully understanding the causes and risks of ECM.

Considering that a minimal amount of research on ECM in Iran has been undertaken the task was highly challenging and the methodology evolved was dynamic. Methodological decisions were completely flexible depending on the different obstacles and variations that our research encountered in each phase. Population size, sample size, sampling method, number of interviews in each district and even the time spent in a particular province were a reflection of the

prevalence percentage of ECM within the province. Considering all the variations and differences, the methodology of research was adopted and adapted to fulfil what was needed in this crucial step. It is worth mentioning that the methodological decisions are unique and tailored for this sort of gender sensitive research, based on the program areas' unique characteristics. These decisions might not be applicable in other contexts.

To explore the practice of ECM in Iran, the research was narrowed to selected designated areas of interest by using data from the National Organization for Civil Registration.³⁰³

Seven provinces with the highest rates of registered child marriages were selected. The provinces were chosen by analysing the recent available data on registered marriage cases based on calculated demographical information of the most recent decade. It is to be noted that the ranking order on this list is not similar to the previously released published list by the government, as the ranking order was based on selecting the provinces with the highest ranks of ECM prevalence. Accordingly the seven provinces are as follows: 1. Razavi Khorasan, 2. East Azerbaijan, 3. Khuzestan, 4. Sistan and Baluchestan, 5. West Azerbaijan, 6. Hormozgan and 7. Isfahan.

³⁰³ The National Organization for Civil Registration organisation is considered as a dependent part of the ministry of interior. The National Organization for Civil Registration" is active throughout the country and is the most referred to governmental organization .According to an act in June 1928 the "Birth Certificate and Statistics Administration" was established as part of the ministry of interior and began working. In 1940 according to a new law and after editing a new set of regulations, the name of this organization changed to "The Office of Statistics and Civil Registration». In July 1976 "The National Organization for Civil Registration" was formed.

The context and indicators related to ECM were classified by three selected age categories and ranked: less than 10', '10 to 14' and '15 to 19' years of age. Seven ranked lists of marriage events (categorized by age groups, gender and the total

Up to 10	10-14	15-19
Sistan and Baluchestan 33	Razavi Khorasan 7629	Razavi Khorasan 24362
Khuzestan 31	East Azarbaijan 4244	Khuzestan 15354
Zanjan 11	Khuzestan 2256	East Azarbaijan 12566
Kohgiluyeh and Buyer Ahmad 10	Hamedan 1893	Fars 11475
Kermanshah 9	Sistan and Baluchestan 1841	West Azarbaijan 11277
Fars 8	Fars 1829	Sistan and Baluchestan 10296
-----	West Azarbaijan 1604	Isfahan 10147

numbers of each) within the last ten years were drawn upon.

Table 3-1; Marriage ranks in 2014 sorted by age groups and gender

Girls' marriage	Boy's marriage	Totals
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The broadness of the program areas, the financial and budget constraints and the competing time restrictions necessitated the use of cluster sampling functional.³⁰⁴ By using cluster sampling, several towns located in the north, south, east and west of Iran were selected as part of the first cluster. Accordingly some villages of each town were selected as the next cluster.

The number of interviews in each province was based on the province's ranking position on the rank table.

Accordingly all program areas had required different numbers of interviews. The study utilized household survey data from Demographic and Health Survey (DHS) to assess child marriage levels by country and to provide further analysis of how ECM correlates with additional indicators. The DHS questionnaires were chosen as they are considered as flawless arranged sets of questions requiring maximum standards of reliability and validity. Additionally, DHS are nationally representative household surveys designed to measure the health and nutrition

³⁰⁴ Cluster sampling is the sampling method where different groups within a population are used as a sample.

10-14	15-19
East Azabaijan 4257	Razavi Khorasan 31994
Khuzestan 2352	Khuzestan 18310
Hormozgan 1901	East Azarbaijan 14516
Fars 1857	West Azarbaijan 13308
West Azarbaijan 1640	Sistan and Baluchestan 13287
Ardebil 1601	Fars 12717
Zanjan 1420	Isfahan 10905

status of women and children in developing countries. However, in order to use DHS standard questionnaires in this study, adjustments were necessary based on the specific cultural differences and variations in each district. It was vital to do so in order to translate the questions into local parlance and make it user friendly. Although the questionnaire used was a local edition of the DHS questionnaires, a significant part of the questions was constructed by the researcher. As the study also cited the viewpoints and interviews with authorities, governmental figures and religious and community leaders, this warranted changing the types of questions asked. Thus the procedure tends to vary structurally.

The research study was designed to collect data on a range of indicators associated with the research questions. Structured questions, as well as observations, were obtained through interviews and used in the categories of Background, Marriage, Marriage Decision, Female Reproduction, Male Reproduction, Gender Attitudes, Female Sexual Violence and Male Domestic Violence questions. The questionnaire focused on the prevalence and causes of child marriage in the surveyed areas by interviewing only local inhabitants

During the first part of the scanning and mapping of all districts, interviews with local informants and network of co-workers were conducted to gain a general understanding of the province and to provide information. This is referred to as *observational scanning parts* in the next sectors of the reports. Throughout the following, information on each province is divided into three main sectors: geographical span of the area which provides general information about the district; the districts' social, demographical, cultural and political status, and its ranking in ECM prevalence. Details about the social norms and customs in each specific geographical area are provided in this part. Based on the dissection of data from the questionnaires, the third and last parts are the analytical results and descriptive and inferential statistics that are discussed and elucidate in detailed. One thing is certain. The research study revealed that these young children, who are at the heart of ECM and not at the brink of adulthood are the unwilling torch bearers of ECM.



PROVINCE WISE RESEARCH

1. RAZAVI KHORASAN

Geographical Span of the Research

The Razavi Khorasan province was the research study's first target. The Razavi Khorasan province is located in the northeast of Iran with a population of 6,262,000 people.³⁰⁵ The majority of the population are Fars nationals. The language spoken throughout the province is Persian (also known as Farsi). Razavi Khorasan province is the main religious centre of attraction in Iran, mainly due to the presence of the Shiite Muslims' Imam Reza shrine in Mashad that is located in this province. The Imam Reza shrine is a complex which contains the mausoleum of Imam Reza, the eighth Imam of Twelver Shiites. It is the largest mosque in the world by dimension and the second largest by capacity.³⁰⁶

³⁰⁵ The National Organization for Civil Registrations, 2014.

<https://www.sabteahval.ir/Upload/Modules/Contents/asset99/salnameh93.pdf>

³⁰⁶ The Islamic Seminaries At The Holy Shrine". Imam Reza (A.S.) Network. Retrieved 2009-05-26.

This religious shrine has contributed to the province's strong religious tenor and political influence. It is of no coincident that this region corresponds strikingly to a higher incidence of ECM. People of various religions and sects support early marriage, which is practiced within many religious communities³⁰⁷ and Mashad presents the most extreme scenario. This province alone ranks first in ECM for young boys age groups of '10 to 14' and '15 to 19' and also ranks first in ECM for girls in the age group of '15 to 19'. A total of five towns were selected in the cluster sampling method amongst the rural areas. The first cluster included Khaf, Mashad, Sabzevar, Taybad, Torbat-e Heydarieh and Torbat-e Jam. The second cluster included several villages of each town including Kheyr Abad, Rizeh, Saleh Abad, Haji Abad, Khushab, Rabat-e Jaz, Soltan Abad, Ghasem Abad, Feyz Abad, Nashtifan and Moshkan. More than 40 interviews with local people were conducted. In acknowledging the cultural and linguistic differences that were taken into consideration, the team of four (comprised of a previously trained surveyor, a local informant, a supervisor and a driver) were sent on a one week designated field mission.

Even though the Razavi Khorasan province is dominated by Shiite Muslims, natives, immigrants and visitors are part of the variety of cultures within this province. Unlike the polarity of Shiite Islam, in most parts of the Razavi Khorasan province in the north-eastern regions, some of the Sunni Muslims live near the border cities of Taybad and Khaf and other areas. We were able to see that customs and norms in almost every area of the research study exhibited cultural differences and conflicts. The dominance of the Shiite Islam religious tenor within

³⁰⁷ CRFSupra

the province and its political power over the Sunni sect was a source of underlying friction for some of the conflicts.

Despite this underlying friction, ECM prevalence is seen within both provinces, in both religious belief systems and escalates in the poverty stricken border regions inhabitant by Sunni Muslims. Many of the cities and villages located near the Afghanistan and Turkmenistan borders show striking similarities to the other cities on the other side of the border. For example, the domination of the Sunni Hanafi people in Turkmenistan and Afghanistan shared the same characteristic as with the domination of Sunni Muslims in border sites such as Taybad and Khaf. This important factor had been responsible for some marriage norms and rules. Nevertheless, as observed by the survey team and discussed in interviews, marriages outside one's own ethnicity are uncommon and mostly not tolerated. The cultural pressure to have ones child(children) married to a Shiite Muslim has driven many to conclude that early marriage within the family is more beneficial to the girl than a later marriage to a person who is from another cultural belief system or nationality. Within this context, early marriage seemed to be a rational response and standard practice to an unclear future for the girls. Entrenched in tradition and culture, ECM is seen as a logical remedy and patriarchal response to parents' and elders' concerns about a girl's future.

It is important to view the phenomenon of child marriage within the context of patriarchy. The collective effect of patriarchy reinforces the subordination of women in the name of care, protection and welfare and fuels dependency on men throughout their lives. ECM for girls, comparative seniority of husbands, and patrilocal residence upon marriage are the resulting attributes of the patriarchal

institution. Child marriages occur most often in these patriarchal societies where parents and elders have a significant role in selecting spouses for their children and new brides are absorbed into their new families as domestic help.³⁰⁸ Excluded from decisions affecting their own lives, most girls were ignorant of the arrangements being made for their marriage, as it is normally their parents or elders of the family who make the decision. This means that as soon as a marriageable person is available or in most cases chosen by relatives, a marriage ceremony transforms into the perfect remedy to allay these fears about their daughters. The research study solidly confirmed that many parents genuinely believe that marriage will secure a daughter's future and that it is in her best interest to marry early. Sadly in most border cities and villages, drug usage and drug dealings were a noticeable epidemic problems. The men were either addicted, dealing drugs and some men in the areas were dealing with issues related to drugs smuggling from the Afghanistan border. Considering that ECM leaves young girls at a heightened risk of an inability to effectively negotiate safer sex, vulnerability to sexually transmitted infections, including HIV, early pregnancy and domestic abuse, the probable marriage to a potential drug addicted spouse adds another tier of horror to this already dreadful practice.

Equally, it is important to draw attention to the fact that ECM is simultaneously viewed in the context of limited financial circumstances and or weak economic conditions, sparse resources and few possession. In communities where women are generally not considered as viable wage earners, families often view women as economic burdens. These economic concerns also have contributed to the acceptance and continuance of dowry and bride prices.

³⁰⁸ CRF *supra* at

Dowry and bride price are monetary payments or property made for marriage ritual purposes. Bride Price is the amount of money or property paid by the man (bridegroom or groom) or his family to the family of the woman (bride) upon the marriage of the woman to the man. Dowry refers to the property or money brought by a bride [or her family] to her husband on their marriage.³⁰⁹

A part of this price is paid to the bride's family before marriage, referred to as the prior (*Moghadam*), and the posterior (*Moakhar*). *Moghadam* and *Moakhar* expenses form the total bride price and the amount varies depending on the tribe. In some tribes if there is a conflict or divorce or if the wife wants to divorce, she must pay the bride price to the groom or his family. Conversely if the husband wants to divorce his wife, it is he who pays. In other tribes, the bride price is always the grooms' responsibility, and if the wife wants a divorce, she must waive her right to receive the bride price.

The bride price is highly dependent upon on a host of factors such as the timing, the girl's age, the circumstances, geographical location and the sustainment of feudal and kinship social relationships. For example, the bride price may depend upon knowing the groom's family. ECM is mostly a family affair arranged inside

“My daughter, Fateme, is 14. She was 13 when she got married. She's a good girl. Her father has been in jail for 10 years because of addiction and drugs. I gave her away so cheap. The boy who wanted her said that I'm just a simple worker and I said alright take her. I wanted her to be expensive. Here the younger the girl, the more expensive she is. 1 million tomans tops. Some of them 100 or 200 thousand tomans. But alas I gave her away for free.

Female Respondent,

Taybad, Razavi Khorasan province

³⁰⁹ Bride Price And Dowry; the Difference And..www.nairaland.com/89673

the family and amongst relatives whom the parents already intimately know each other. In such cases the bride price can be lower. However, if the groom is an unknown person the bride price would be higher than if he were a cousin. Depending on the geographical location or region, it can differ from one town to another. For example in villages such as Kheyr Abad, Feyz Abad, Torbat-e Jam, Taybad (Karat), Nashtifan, Saleh Abad and Rizeh, the dowry is almost always provided by the groom and his family, unlike Ghasem Abad where the bride's family is in charge of providing household furniture.

The girl's age is a primordial factor. The younger the bride, the higher her bride price. Youth is seen as enhancing the value of a bride; a younger girl has more time to dedicate to her new family and bear children.³¹⁰ As per the conversations with the inhabitants in the research study, the bride price may vary depending on the bride's age. Thus the practice of dowry, is both a direct and indirect driver of ECM; a direct driver in that it provides rational economic incentives for marrying a girl quite young and an indirect driver in that it undermines and devalues women. The dowry system diminishes women to marketable goods that have a particular market 'value, if the girl is young, and depreciates over time. This financial transaction enables large sums of money to change hands. Many of the young girls are sold into marriage, often into the hands of wealthy, and face a dreadful fate of marital rape, other violence and further subjugation.³¹¹

Generally, despite the amount of bride price, this expense in the form of money or gold is rarely paid to the bride. In some tribes part of the money is paid beforehand to the girl's family. The remaining part of the money, which technically belongs to

³¹⁰ Council on Europe

³¹¹ Care Report Vows of Poverty Child Marriage Report | CARE vowsofpoverty.care.org

the bride, is almost never paid to her. According to Islamic law this price is referred to a '*Mahrieh*' and must be paid to her upon her own request from her husband. But the cold reality is that she receives her share only when she seeks a divorce and the law makes the husband pay the bride price.

As the family ties in ECM are a means of consolidating powerful relations between families³¹² the continuation of feudal social relationships between families is important. This undoubtedly influences a higher bride price in comparison to other nearby places. During the field mission and talks with local informants, several different people related the anecdote of a man who bought a young girl for 100 million tomans ³¹³ (35,923 USD). Nevertheless, bride price and payment seems nebulous in some places. Many families do not demand the same amount of money in exchange for their daughters.

The child bride's lack of power is acute as young married girls have little bargaining power in relation to their husbands and in-law. Girls do not have a final say in their marriage either in terms of the age they marry or whether they accept the proposal. Young girls serve their husbands and in-laws and do not have a right to make any decisions. Nowhere is this more acute when one looks at divorce.

The right to divorce or even to hold a discussion on divorce is generally not available. Although many of the local informants mention that divorce is a result of dissatisfaction with marital life and or high frequencies of marital betrayals, for the women in Ghasem Abad, who for the most part, marry at the age of 12, there

³¹² Marrying Too Young: End Child Marriage" (PDF). UNFPA.

³¹³ The toman is the unit of the official currency of Iran, the rial.

are few, if any, options or means of obtaining a divorce. Alternatives, if any at all, other than marriage are not provided to girls. As ECM is often regarded as the only means of economic survival, divorce is not in the realm of consideration.

High rates of domestic violence is common place in ECM. These young girls often have low bargaining power in the household and are more likely to experience violence by an intimate partner. Girls are extremely vulnerable to domestic violence and physical, sexual or psychological abuse.³¹⁴ Girls who marry as children are particularly at risk of violence from their partners or their partners' families. They are consistently more likely to be beaten or threatened by their husbands than girls who marry later. Ironically the girls' youth, which is an asset in securing a valuable bride price, transforms now into a liability as the age difference, common in ECM, renders the child bride to become exorbitantly susceptible to abuse. Studies have shown a correlation between the age gap difference and its consequences. The greater the age difference between girls and their husbands, the more likely they are to experience intimate partner violence or be more vulnerable to marital rape. The younger a female at the time of her forced marriage, the more likely there will be a larger gap between her age and her partner's age.³¹⁵ Further more women who marry younger are more prone to be physically abused by their spouses and are more likely to experience domestic violence than their peers who marry later.

As ECM is considered as an interfamilial binding contract, a breach of it, i.e. divorce, can reap serious consequences both for the families and for the girls. Even those girls with the option of divorcing an abusive spouse are vulnerable because they

³¹⁴ Heise, L., J. Pitanguy and A. Germain (1994). Violence Against Women: The Hidden Health Burden. Discussion Paper #255. The World Bank: Washington, D.C

³¹⁵ Child Marriage | Early Marriage | Plan...plan-international.org/.../child-marriage

have little earning power, education, and financial support.³¹⁶ Human rights groups have reported cases of girls facing abuse after attempting to escape their unions. Child brides may also find themselves quickly abandoned or on their own. In Soltan Abad, for example boys are for the most part married at 16 years of age and soon after the marriage entered into military service. Their young brides are left alone. Brides may also find themselves without support if they are widowed early, leaving them with little means by which to raise their families.³¹⁷

In contrast to Ghasem Abad where the divorce rates are low, the divorce rates are noticeably higher in Torbat-e Jam (Nashtifan). This has been attributed to girl's lack of a higher educational level. High prevalence rates of ECM are correlated with less education for girls. Boys do not have an interest in studying as they are involved in manual labour and or in menial jobs and are now responsible for providing financial necessities to their new families. Although girls are allowed to continue their studies, they are forced to marry young. As a result their educational and mental growth is not on par with their husbands' stable position, resulting in divorce.

Another major contributing element is the ownership of water. In the Razavi Khorasan province, the arid and dry climate and wilderness thwarts agriculture growth. Having access to water supplies by ownership of land with drinkable water aqueducts is an immense privilege. This environmental factor has played a role in shaping and effecting social norms. For example in Kheyr Abad where most people have these aqueducts, early marriage is commonly practiced within the family to maintain the pre-existing hierarchy.

³¹⁶ www.cfr.org, peace-conflict-and-human-rights / child- marriage

³¹⁷ CRF supra

Running away from home is also prevalent within some tribes, but the social response can be harsh. In most places this running away is draconically viewed as destroying the family's perceived honour thus entailing harsh punishment or familial rejection. Yet, in other places such as Torbat-e Jam (where divorce rates are also high) running away from home is not viewed this harshly. After returning to the community, couples are welcomed and lured with a furnished house to help them start their marital life and to encourage them to stay together.

"In here they consider 18

year old girls as old. In Moshkan if a boy really wants a girl he is allowed to kidnap or steal the girl without her will. I was forced to chose and get married when I was 15 by my family. I don't like my husband or my life at all.

Tell this to anyone who crosses your path: Do not get married early even if they threaten to behead you!

Female Respondent, 26

Moshkan, Sabzevar, Razavi Khorasan province

The custom of exchanging women is common amongst some specific ethnic communities. The ethnic group Alisho is an example. When two women are exchanged between the families, their lives must mirror one another. This means that if one of the couples has a fight and the female is thrown out the house, in spite of not having problems with his wife, the other husband is compelled to fight with her and throw her out of his house. Conversely, if one couple is provided with a new house or lodging, the other couple must also try to maintain that lodging in order to mirror the same lifestyle as the other couple.

Other tribes have their own marriage customs. In the well-known tribe Rajab Ali Zadeh, girls are engaged as young as 9 years of age, and from the onset her family

sets aside the amount of gold that must be bought by the groom's family. Later when she is 15 years old and married, she receives a furnished house and food.

Many factors coalesce to heighten a girl's risk of ECM including gender social norms. Adherence and continuity of intergenerational social norms, bowing to the unwritten social norms and pressure and avoiding stigma are triggering factors surrounding ECM. ECM can be attributed to the collective thought process. People follow the practice of ECM because this is the way things have been done in their families and they consider it legitimate. As the custom has been followed for centuries, there is tremendous societal pressure to marry off children especially girls at a young age. Social pressure from within the community is one of the main reasons that sways parents to follow ECM dictates. Child marriage is a traditional practice that in many places happens simply because it has happened for generations. Traditional practices often go unquestioned because they have been intertwined as part of a community's life and identity for a very long time.³¹⁸

Often these young girls continue to face highly discriminatory social structures that greatly hinder their capabilities and overall wellbeing. There is a degree of pressure on a girl by her community and family to undergo ECM in order to conform and become like everyone else. Unsurprisingly, expectations around norms and behaviours within the household and beyond start developing quite early in girls' life. From childhood girls are socialized to believe that marriage is the sole goal of their life and their own interests are subordinate to those of the family kinship. Thus, even within the same family, girls and boys are

³¹⁸ www.girlsnotbrides.org, Why does child marriage happen?

brought up according to different norms and values. These expectations are guided by local patriarchal norms on what is an quintessential boy/girl/man/woman, which, remain firmly grounded on 'good' girls restricted in their movements outside the house, submissiveness and non-interaction with males outside of the family. Apart from these norms that are inculcated at a very early age, they are also reinforced and fortified when girls are married into another family. An ideal wife is almost exclusively defined in terms of: the hard work in the husband's household; submissiveness to her in laws and husband; no interaction with outside male, less mobility; being good to neighbours' and being modestly dressed (i.e. wearing traditional clothing).³¹⁹ The benefit of adapting to norms and following traditions is deeply rooted in 'conformity culture', a type of social influence involving a change in belief or behaviour in order to fit in with a group.³²⁰ That explains in part why the marriage ages in one place are within close ranges with no significant standard deviation. Where ECM becomes an accepted norm, people automatically continue to practice and encourage it by indirectly forcing each other to marry off their children at an early age. In Rabat-e Jaz when someone reaches his/her 20s, it is understood that s/he will never be able to marry. In Moshkan (Sabzevar) for example, those who are 18 and still single are view negatively. This social pressure for getting married exacerbates the other previously mentioned causes and influences and accelerates ECM's sustainment and its endorsement.

³¹⁹ Change and continuity in social norms. www.odi.org/sites/odi.org.uk/files/odi-assets/...

³²⁰ What is Conformity? | Simply Psychology www.simplypsychology.org

Survey Results

Diagram 1 shows ECM's prevalence in the last 10 years in the Razavi Khorasan province. The percentage of ECM is alarmingly high for girls rather than for boys. As per the diagram, although ECM is still wide spread and practiced in high numbers there are indications of a dwindling decline.

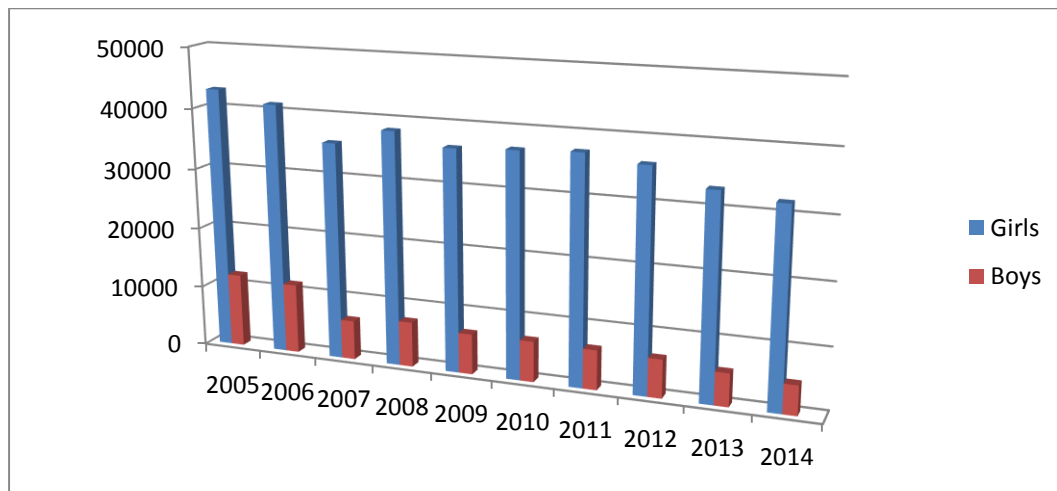


DIAGRAM 10. MARRIAGE UNDER THE AGE OF 18 IN RAZAVI KHORASAN PROVINCE

In spite of ECM's slow decline, conversely there has correspondingly been an increase in the divorce rate in comparison to the previous decade.

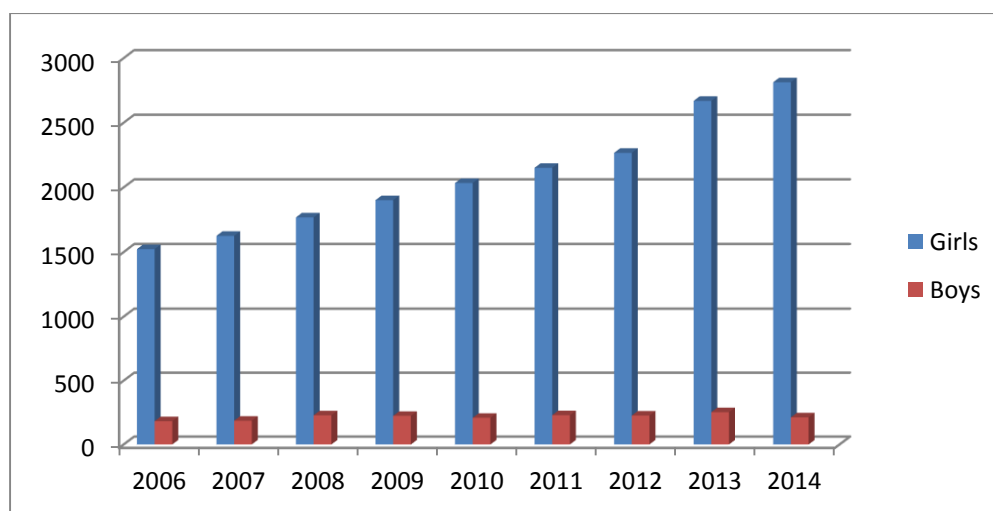


DIAGRAM 11. DIVORCE UNDER 18 YEARS OF AGE IN RAZAVI KHORASAN PROVINCE

There are multiple factors that magnify the increasing number of social issues for girls that shed light on this observed increase divorce rates. Simply put, in the provinces a number of young marriages come to an early end. Girls who marry young, are more prone to be divorced at an early age. Child brides are often disempowered and dependent on their husbands. Annually, as the divorce rates increase, girls are saddled with additional social problems that as a mere child divorcees or widows they are simply not capable of handling. The mounting ponderous burden of responsibilities thrust upon a young girl, from being a wife, then a mother and now a divorcee or widow is catastrophic. These girls are more vulnerable to persistent poverty if their spouses die, abandon, or divorce them.³²¹ Given that girls in ECM are often significantly younger than their husbands, they become widowed earlier in life and may face associated economic and social challenges for a greater portion of their life than women who marry later. This problem threatens to increase with the expanding youth population in the developing world.³²²

A close analysis of both diagrams reveals that ECM has had a dramatic effect on girls than boys. Whilst boys are subjected to early marriage, girls are disproportionately affected and form the vast majority of the victims of child marriage.³²³ For girls the affects go well beyond adolescence.³²⁴ Many aspects of their lives are controlled by older men who considered the girls little more than sexual and domestic servants. The greater the age difference, the more likely girls are to be disempowered and at risk of violence, abuse or exploitation. Sometimes

³²¹ Q & A: Child Marriage and Violations of Girls' Rights, *supra* at 24.

³²² Child Marriages: 39,000 Every Day | Press centre | ...www.unicef.org/media/media_

³²³ Girls Not Brides - Official Site www.girlsnotbrides.org

³²⁴ Q & A: Child Marriage and Violations of Girls' Rights - Human Rights Watch". hrw.org.

the girls' problems begin once they arrive home with their babies, where they are then frequently abandoned by their husbands.³²⁵

The main driving forces of ECM are patriarchal notions and the desire to subjugate women in order to control her sexuality. The complex issue of ECM is rooted in gender inequality and the belief that girls and women are somehow inferior to boys and men. Poverty, lack of education, cultural practices, and insecurity fuel and sustain ECM's existence as girls are not seen as precious valuables but as economic burdens. Marrying a young girl at a young age can be viewed as a way to ease economic hardship by transferring this 'burden' to her husband's family.³²⁶

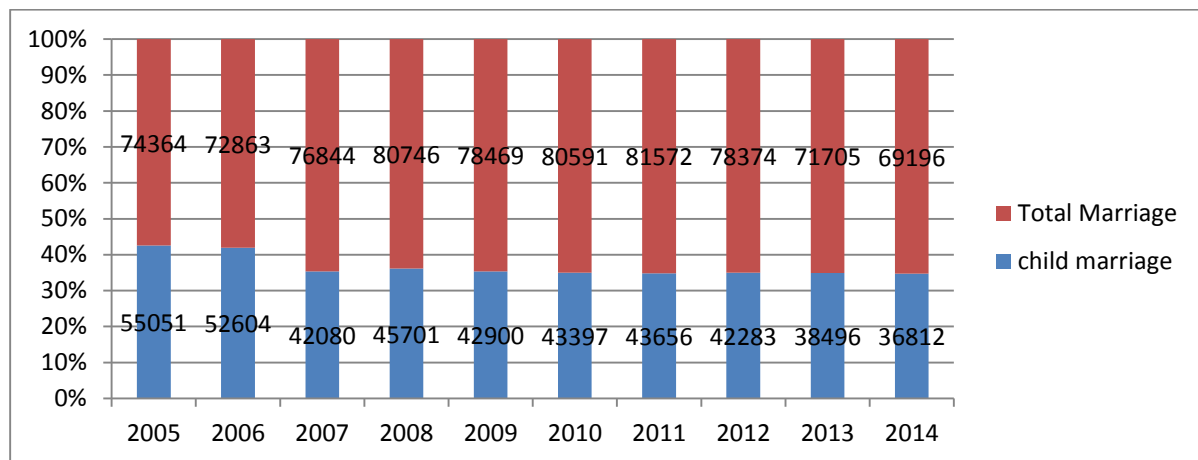


DIAGRAM 12. ECM RATIO IN RAZAVI KHORASAN PROVINCE

An analysis of the ECM ratio within in the last decade demonstrates that the child marriage rates in the total marriage frequencies have always been more than 35 %. This is a reflection of the cultural norms that flourish within the social system to carry on with the practice of ECM. However, as per the findings of the Diagram 3, the practice is declining.

³²⁵ International Centre for Research on Women, New Insights on Preventing Child Marriage: A global analysis of factors and programs, 2007, p 10; Child Protection and Gender-Based Violence Sub-Working Group Jordan, Findings from the Inter-Agency Child Protection and Gender-Based Violence Assessment in the Za'atari Refugee Camp, July 2013, p 2

³²⁶ Save the Children UK, Rights of Passage, 2003

Background

The vast majority of the respondents were between the ages of 25 to 30. Within this age range 82 % were female and 18 % were men, chosen by a random sampling system. 52.5 % of them were currently married, 42.5 % single and 5 % were either divorced/living with their husband's wife's (42 %) or their partner's family (40 %). The Respondents reflected a variety of nationalities: Fars (55 %), Turk (35 %), Kurd (5 %) and Afghan (5 %). 62.5 % started practicing their religion at the age of 9.

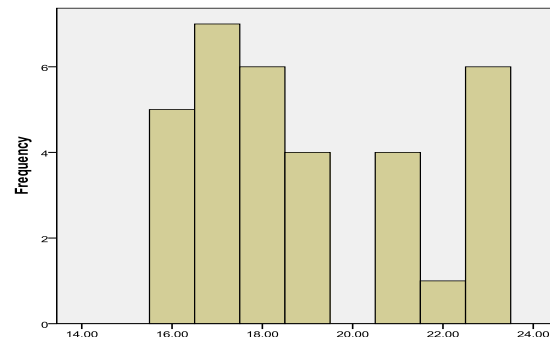


CHART 1. REASON FOR LEAVING SCHOOL IN RAZAVI KHORASAN

with

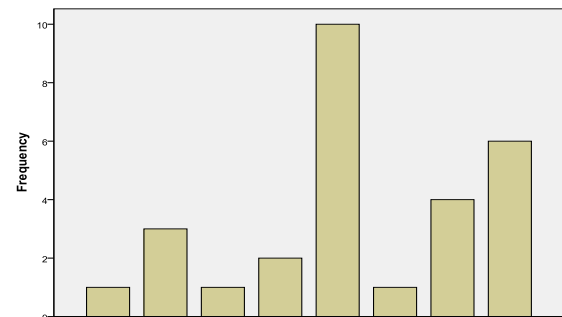


CHART 2. WOMEN'S AGE AT FIRST DELIVERY IN RAZAVI KHORASAN PROVINCE

Child marriage is linked to a series of negative consequences for young girls in society and nowhere more can this be seen than in terms of education. ECM dramatically limited girls' access to education. This is unequivocally very well documented. Child marriage denies schooling for girls and their right to education that is necessary for personal development and potential contribution to the future wellbeing of the society. Usually girls are pulled out of school early putting an end to their education and development. Withdrawal from school in order to be married limits opportunities to grow into an informed and self-reliant individual. Their lack of education leaves them vulnerable and hinders their individual development. The research study showed that only 27 %

of the victims of ECM were still studying as marriage was the principal reason for leaving school (45 %) in order to perform house work and childcare duties. The majority of respondents only finished primary school, and only 10 of them had an opportunity to continue with their education until the 12th grade i.e. the end of high school. In 57.1 % of the cases, the female used to attend school before her forced marriage but in 71.4 % of cases, the promise to let her continue her studies never materialised.

The negative outcomes associated with early marriage and dropping out of high school potentially have a domino effect not only on the girl bride and on her children but also on society at large. Prevalence of ECM is associated with higher rates of population growth, more cases of children left orphaned, and the accelerated spread of disease.³²⁷ The lack of education also affects reproductive behaviour, use of contraceptives and the health of the new-born. Even for those women who married early and recognise the disadvantages of early marriage, they may not be in the position of preventing it for their child.

● Female reproduction

As a result of child marriage, the girl child's reproductive and sexual health are acutely affected. Young girls bodies that are not physically mature enough to give birth, places not only the mothers' health at risk but also the health of their offspring. The research study revealed that 97 % of women, who have had at least one delivery (14 %), were taken care of by their own family and mostly by their mothers. 45% of the respondents reported no major delivery problems but 27%

³²⁷ Field, Erica; Ambrus, Attila (2008). "Early Marriage, Age of Menarche, and Female Schooling Attainment in Bangladesh" (PDF). *Journal of Political Economy*. 116: 881–930.

reported having undergone protracted labour and haemorrhaging. Although 69.7 % of mothers had used contraceptives, 72.7 % of them expressed no interest at all in using birth control method such as condoms. Their collective ignorance about general labour delivery and gynaecological health issues amongst women was markedly low. A majority of the respondents (36 %) did not have any clear knowledge of health risks and 18.2 % of them did not have the slightest idea about reproductive risks and consequences.

As the girl are often young their pelvis' and birth canals are under developed and diminutive. Teen pregnancy, particularly below age 15, increases the risk of developing obstetric fistula (any vaginal fistula during labour that causes more than 6 stitches), since their smaller pelvises make them prone to prolonged obstructed labour.³²⁸ For women with obstructed labour, the labour can last up to six or seven days, producing contractions that push the baby's head against the mother's pelvic bone. Girls who give birth before the age of 15 have an 88% risk of developing fistula leaving them prone to urine or faecal incontinence that causes lifelong complications including chronic infection and pain. The research study showed that knowledge about obstetric fistula was again surprisingly low amongst women. Even when local language, terminology and additional explanations were used, the majority of women, even those who have had more than 15 stitches during their labour, were still incognizant that what they had actually experienced was obstetric fistula.

³²⁸ Nour, Nawal M. (2006), "Health Consequences of Child Marriage in Africa", *Emerging Infectious Diseases*, 12 (11): 1644–1649,

● Male Reproduction

The research study revealed that 42 % of male respondents were 17 years old when their first baby was born and that they have fathered at least two children at the time of survey. The other 14 % were 16 when the first became fathers. 57 % of the males were just as unaware as their female counterpart of labour and or pregnancy risks. Most of them (42.9 %) cited fainting as the most dangerous problem.

● Marriage and marital decisions

In regions where ECM is commonly practice, the parents make marital decisions on behalf of the couple. As the vast majority of ECM are made and endorsed on the behest of the family, the research study in Razavi Khorasan bore this incontestable fact out. 52.4 % of the marriage decisions were made by parents and other family members rather than the bride or groom. Almost 76.2 % of married people were aware of their impending marriage and the other 23 % had no idea who was their spouses. By the time that marriage ceremony was being planned, 42.9 % of them were not willing to marry. The research survey in Razavi Khorasan province also indicated that 30 % of the married respondents claimed their marriage was registered in their names as the same time of marriage. There were a number of respondents (67.5%) who had a matchmaker arranged their marriage when they did not have a planned formal engagement ceremony.

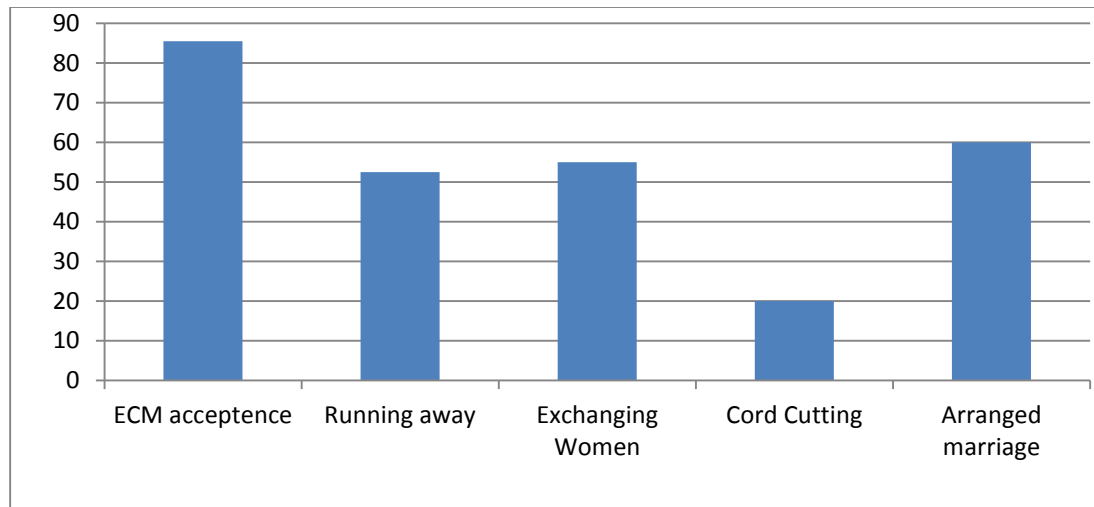


DIAGRAM 4. PREVALENCE OF MARRIAGE FORMS IN RAZAVI KHORASAN PROVINCE

The majority of married respondents (12 %) were 17 at the time of their engagement. In 24% cases, the age gap between wife and her husband was more than ten years and in 21.2 % cases it was less than ten, as more than half (57.1 %) of men had wives who were more than ten years younger than themselves. This common age gap was observed when the couples lived with the man's family. Obviously this leads to gender inequalities and the inability to make one's own decisions. Only 10 % of married people wanted ECM for their own children. In spite of objections to the marriage at the time of its occurrence, only 15 % of those who did not want to be married talked about divorce and or annulment with their siblings or friends. The remaining were hypothetically sure that an arranged marriage could not be annulled unilaterally.

The dowry and or bride price was an integral part of the ECM process. More than half of marriages (57.5 %) included the dowry and bride price. In 37.5 % of the cases it was the bride's family who was in charge of or provided for the dowry. Many of the females (35 %), never received their bride money.

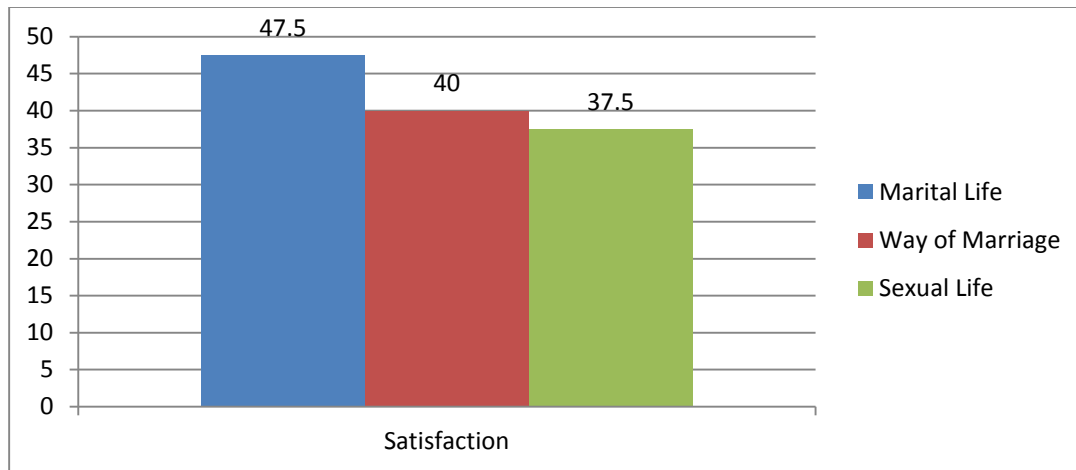


DIAGRAM 5. SATISFACTION WITH MARRIAGE IN RAZAVI KHORASAN PROVINCE

● Exposure to sex education and or ECM messages

Accurate information about their sexual and reproductive health, as well as support services and skills to feel comfortable and confident about their bodies and their sexuality was demonstratively lacking. This is in part exacerbated by a lack of availability and access to sexual and reproductive health services particularly for young unmarried women. Sex education in schools is either non-existent, very minimal and or of poor quality. The respondents reported receiving sex education mainly by talking to other family adults such as their mother or sisters (20 %), friends and peers (15 %) and family counsellors (7.5 %). Most respondents (77 %) found no benefits of ECM and 30 % of them never have heard any messages about ECM. In general, 60 % of respondents believed ECM must be halted and 32.5 % said it depends on a person's characteristics, body size and behaviour.

None demonstrated even a minimal knowledge of the law. Even worse, literally none of the respondents were aware of the legal marriage age. When responding

to this question they mostly assumed that the legal marriage age as 18 or above. A majority of the respondents opined the ages between 15 and 20 as too early for girls and boys to be married and they assumed that the ideal marriage age to have children was 20.

6 % of women reported they were touched by men against their will and 9 % had experienced forced rape. In particular there is a prevailing acceptance of sex as a marital duty within the context of marriage. 21.2 % of married women mentioned they were forced to have sex by their husbands and a negligible few talked about the inability to discuss and negotiate their lack of sexual interest as they believed that sex was part of their marital duty. The most common emotional reaction to this was sadness (42.9 %), followed equally by hate (28.6 %) and anger (28.6 %).

● Gender Attitudes

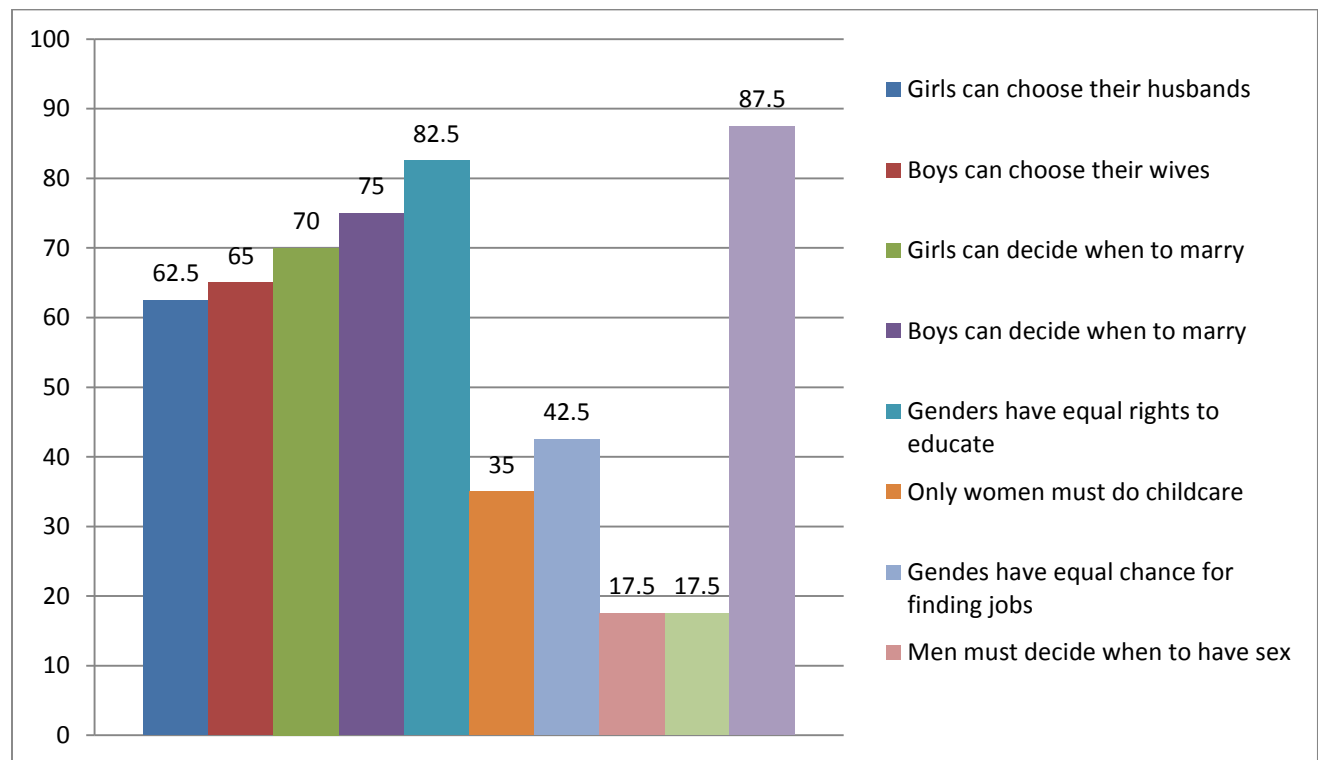


DIAGRAM 6. AGREEMENTS ON GENDER ATTITUDES IN RAZAVI KHORASAN PROVINCE

THE DIAGRAM 6 CONSTITUTES A VISUAL REPRESENTATION SOME OF THE CORE IDEAS ASSOCIATED WITH THE PERCENTAGE OF GENDER ATTITUDES IN RAZAVI KHORASAN. A VERY POSITIVE ASPECT THAT WAS WITNESSED WAS THE OPINION ON EQUAL RIGHTS FOR BOYS AND GIRLS TO RECEIVE AN EDUCATION WITH THE TOTAL RATIO OF 82.5 %. THE HIGHEST RATIO DEPICTS THE SOCIETAL CONTROL OVER WOMEN'S SEXUALITY BY VIRTUE OF PRE-MARITAL VIRGINITY WHICH IS OF PRIME IMPORTANCE IN PATRIARCHAL SOCIETIES.

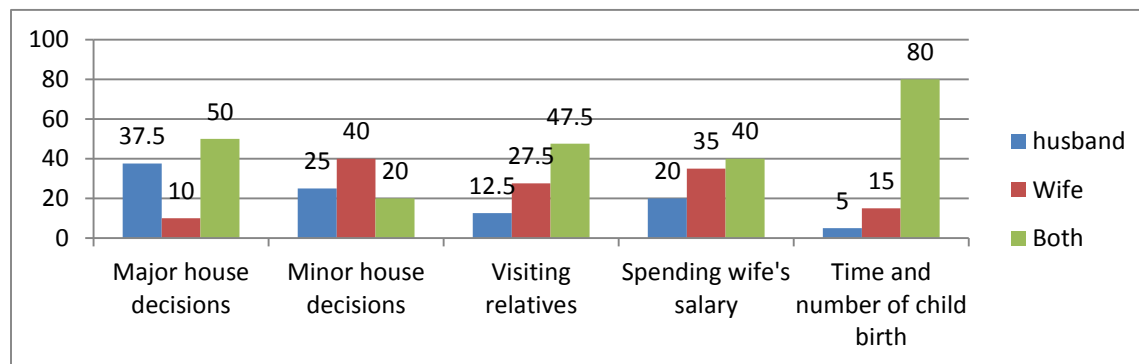


DIAGRAM 7. HOUSE DECISION MAKING IN RAZAVI KHORASAN PROVINCE

Diagram 7 shows the decision making capacity at household levels, which notably presented a balanced picture. In most cases the husband and wife made joint decisions, whilst in some cases, rather than the husband, the wife is the more dominant spouse in areas such as her spending allowances, visiting relatives and minor house decisions.

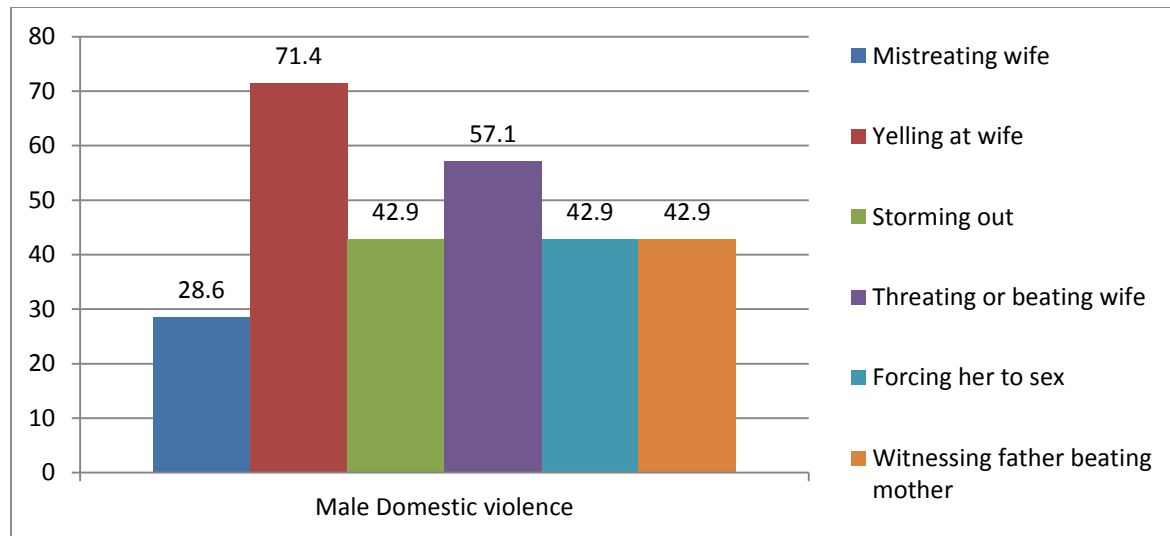


DIAGRAM 8. MALE DOMESTIC VIOLENCE IN RAZAVI KHORASAN PROVINCE

Diagram 8 sheds some light on gender attitudes and ratio of male domestic violence in Razavi Khorasan. The highest percentage recorded was yelling at the wife (71%) followed by threatening or beating wife at the ratio of 57%. This acceptance of beating ones wife attitudes is associated with norms that normalise and justify male perpetration of violence against women and girls³²⁹. There were a minute number of respondents in the province who mentioned mistreating their wives.

³²⁹ E Buchwald, *Transforming Rape Culture*, 2005

2. EAST AZERBAIJAN



Geographical Span of the Research
East Azerbaijan province is located in North West of Iran, bordering Armenia, Republic of Azerbaijan. The latest census in 2014 shows a population of 3,807,000 people in this province³³⁰. Its capital (Tabriz) has been known as the Islamic and Art Capital of Iran for centuries and includes 12 Turkish cities. The populace is composed mainly of Turkish residents and the



FIGURE 13 SOME VILLAGES OF SARAB TOWN MARRY THEIR CHILDREN AS YOUNG AS 10 YEARS OF AGE-PHOTO BY: KAMEEL AHMADY

dominant language is Azeri. Although the province is home to other nationalities and minorities, they are not as visible and significant, making the whole province seemly of a Turkish majority. In some parts of the province the Armenian people became the minority of immigrants who settled in East Azerbaijan province after the historical Nagorno-Karabakh War in 1918. The majority hold Shiite Islam beliefs. East Azerbaijan province holds the third ranking in girls' marriage in the ages of 15-19, the fifth in boys' marriage between the ages of 15 to 19, and the first ranking in total marriages between the ages of 10 to 14.

³³⁰ The National Organization for Civil Registrations, 2014.
<https://www.sabteahval.ir/Upload/Modules/Contents/asset99/salnameh93.pdf>

A total of 10 towns was selected for the first cluster of sampling. The team of four that were sent to the province to conduct the field work within one week, included a previously trained surveyor, a local informant, a supervisor and a driver. The 9 cities including Ahar, Bostan Abad, Heris, Jolfa, Khameneh, Malekan, Maragheh,

I got engaged when I was 2 years old. It's a custom here and all girls are married by the age of 2, 3 and 4. I have three daughters and a son. My daughter was 6 months when she was engaged. And now they are having a good life. There's no good in this custom but if we don't get them married at these ages, people would talk behind us.

*Female respondent
Gilak Abad Village, Sarab, East Azarbaijan*

Sarab, Soufian and Varzaqan were scanned and more than 48 interviews with local people were conducted in rural areas such as Ghalle Ghazi, Aghmiyun, Allah Hag, Gilak Abad, Ali Abad Qeshlagh, Kalb Kandi, Mardagh, Goli Shahr, Mamghutay, Ravasejan, Azeghan, Durigh, Sumae Del, Sardar kandi, Alkhalaj, Kamar Sefid and Ghara Blagh.

Observational scanning

Early marriage was alarmingly prevalent and accepted in rural areas throughout the province, only varying slightly in rate and frequency. Particularly ECM was functional and practiced by families mostly in rural and impoverished areas, where the prospects for girls can be limited. There is clearly a dismal and significant correlation between economic hardship and acceptability of ECM. In this context ECM is seen as a way to make her future better.³³¹ Marriage provides a means for ensuring their daughters 'future economic security.

³³¹ Sanyukta, M.; M. Greene and A. Malhotra (2003), Too Young to Wed: The Lives, Rights, and Health of Young Married Girls, ICRW, Washington D.C.

Given that marriage is perceived as both a necessity and desirability for both men and women, it is perhaps unsurprising that participants tend to marry at a relatively early age. Interviews revealed a vast but common social factor: lack of security coupled with a fear of the future. Having girls in the family translates into a warning that if they do not marry her off, she will probably remain single all her life. As it is generally considered unacceptable for men and women to remain unmarried too long into adulthood, girls and boys are constrained by a strong social controls that tries to settle them down whilst they are young in order to avoid what is perceived to be corrupted and depraved behaviour. Younger brides are preferable because they are easier to control, more obedient and respectful of their husbands.

A women who remains single is assumed to be at risk of falling into an emotional relationships and ruining the family's honour and respect by engaging in a premarital sexual relationship. Social pressure plays a prominent role in ECM. For an unmarried girl of 15, their community starts to worry and doubt her chastity and fertility. As observed in East Azerbaijan, in such a scenario most marriages were arranged by and within the family and the child's consent was not

There are no single children over 13 in the village. They all get married under 12 years of age. Our bride was one year old when she got married to my brother. And I myself was 12, it was midnight and I was asleep, when our neighbour knocked in and they gave me a ring.

Fateme, 23

*Gilak Abad Village, Sarab, East
Azarbaijan province*

taken into consideration at all. Our observations in villages such as Gilak Abad revealed that some girls were engaged at the age of one or two, and there were almost no single children above the age of 5. The dismal march of ECM prevalence was manifested in locals' interviews where they reveal the local norms and customs. The wrenching impression was that many of these children were born to be married. In Gilak Abad, a female baby of 6 months was engaged. Likewise another interview revealed a male respondent who claimed to be already engaged to the female foetus inside a mother's uterus. Given a women's' dependency on males that initiates from birth coupled with the stigma she will face as an unmarried woman the consequences of not being married by an appropriate age appears to be significantly worse for women.

Survey Results

As per the following diagram, marriages under the age 18 in East Azerbaijan province have shown a vicissitudinous trend throughout the last decade. Again, ECMs seemed to be higher in number and rate, following a declining trend within the last few years. Paradoxically, the divorce rates have been increasing. Yearly,

young brides and grooms find it impractical to live together and they divorced at a very young age. As displayed in the following diagram, the frequency of young widows is equally increasing. The preceding table chart shows the ratio of ECM and total marriage rates in comparison to a decade ago. According to the chart, in the last decade the quota of ECM has never been less than 30 % of the total marriages in all age groups.

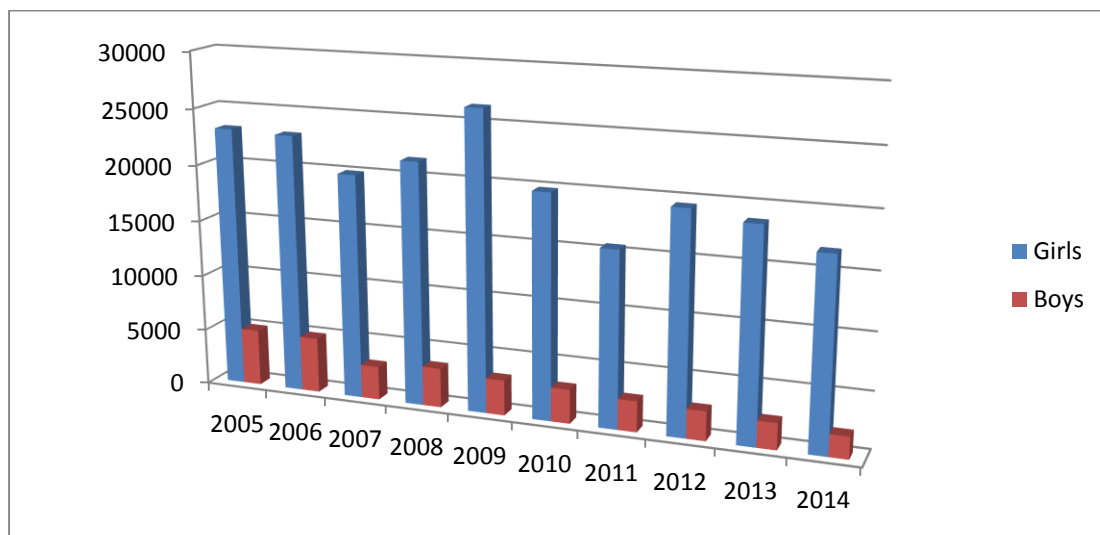


DIAGRAM 9. MARRIAGE UNDER THE AGE OF 18 IN EAST AZERBAIJAN PROVINCE

Diagram 10. Divorce frequency less than 18 years of age in East Azerbaijan province

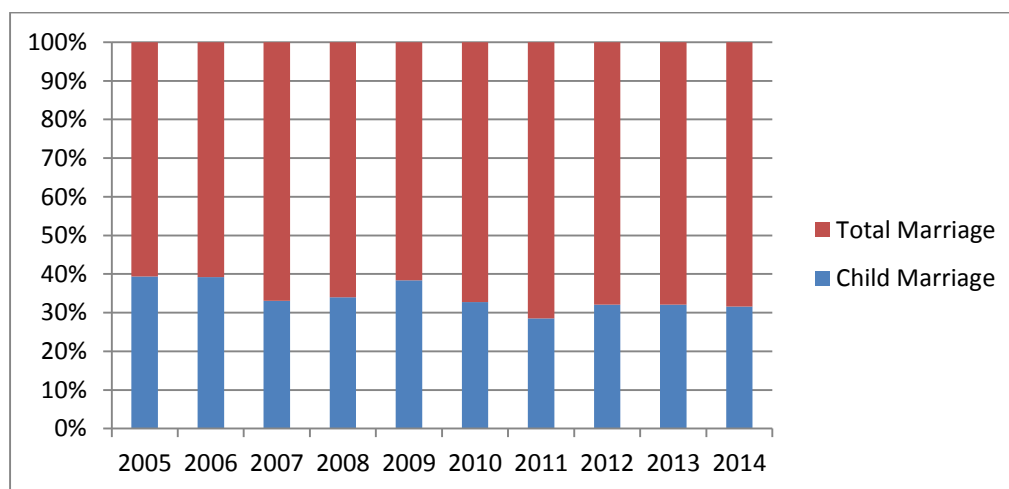


DIAGRAM 11. ECM RATIO IN EAST AZERBAIJAN PROVINCE

Background

In the East Azerbaijan province the sample sizes were randomly divided into 64.6 % females and 35.4 % males. The age range was mainly between 22 to 28 years old. (10.4 %). Respondents either live with their husbands/wives (52.1 %) or with their husbands'/wives' family members (39.6 %). All respondents were Azeri and the spoken language was Azeri. Their parents' ability to read and write was 14.6 % and 43.8 % for the mother and the father respectively. 97.9 % of the respondents were literate and attended school until the fifth grade (31.3 %) and 10.4 % of them were still studying at the time of the research study. Predictably in most cases the major reason for leaving school was to get married. The majority of women and girls reflected a lifelong chain of financial dependency on males for their economic security; first upon their fathers, and later upon their chosen husbands. This dependency is equally rooted in the gendered division of labour. Women are responsible for homemaking, child bearing, and childcare, whilst men are responsible for providing income. No longer permitted to continue studies, respondents' employment skills are principally house work, child care (52.1 %) and farming (14.6 %). Respondents were all Shiite Muslims with 77 % adhering to their religious practices starting from the age 9 (43.9 %).

CHART 3. REASON FOR LEAVING SCHOOL IN EAST AZERBAIJAN PROVINCE

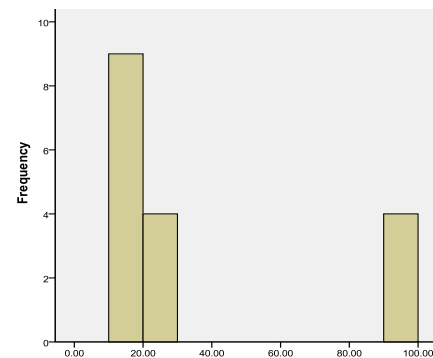
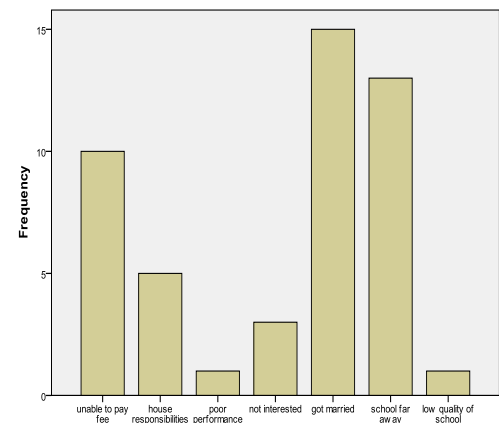


CHART 4. WOMEN'S AGE AT FIRST DELIVERY IN EAST AZERBAIJAN PROVINCE



● Female reproduction

67.7 % of interviewed women had delivered babies. Their post-delivery care was provided mostly by their own family (9.4 %). Most of them (29 %) reported no major problems during labour. The research study revealed that the will to use contraceptives were low (only 3.2 %) with condoms used only in 32.3 % of cases. Their general knowledge about child birth and delivery problems was seemingly sparse amongst the women. A trend that was observed across all research sites and chronically observed was girl's lack of knowledge about their own bodies. 77.4 % of them did not have any indicia of female gynaecological health problems and the means to resolve them. 48 % of them never heard about obstetric fistula even though 19.4 % of them had actually experienced it.

● Male reproduction

In East Azerbaijan, most of the male respondents were 16 years old when their first baby was born (29.4 %). Nearly 67 % of them wanted to have baby, whilst 11.8 % of them wanted to postpone having children. At the time of the survey, many of them had fathered 6 children (29.4 %). Their ignorance was on par with women: a clear majority of 76.5 % of men reported no general knowledge about women's delivery problems and how to solve them.

● Marriage and marital decisions

Although 70.8 % of the respondents were currently married, less than 20% (18.8 %) were not physically present at their own wedding ceremony. 75 % of the respondents had a formal engagement planned by their family. A total of 17.6 % of

respondents were single and in 70.8 % of cases the marriage was registered straight away.

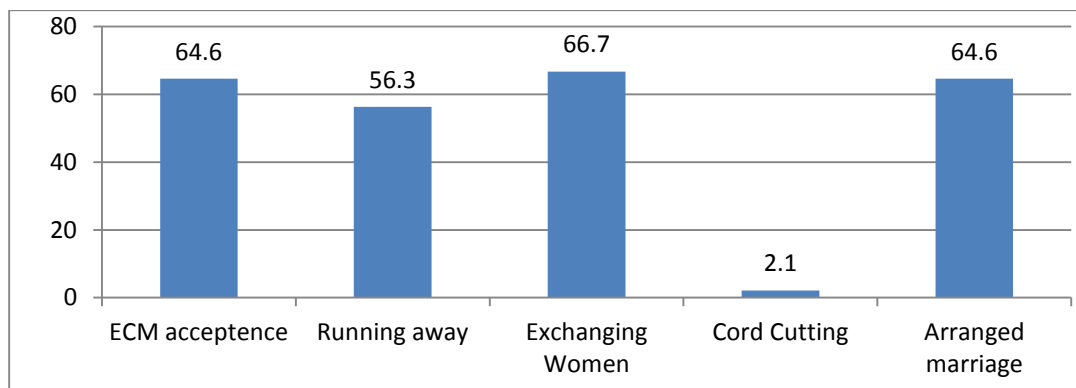


DIAGRAM 12. PREVALENCE OF MARRIAGE FORMS IN EAST AZERBAIJAN PROVINCE

41.7% respondents were between 15 and 18 years old when they got engaged. Respectively, 35.4 % of respondents did not know who they were marrying when their marriage was being planned. A variety of sentiments were noted: feelings of happiness (37.5 %), indifference (31.3 %), sadness (29.2 %) and anger (2.1 %). In 35 % of cases they did not want marriage to take place. Nevertheless their feelings and or consent played no role as (66.7 %) the child brides 'marital partner were chosen by the respondent's family. Approximately, 18.8 % of respondents talked to their friends or family about marriage annulment but were unsuccessful. Within those marriages that included dowries, in the vast majority of cases (95.8 %) it was provided by the bride's family. 72.9 % of marriages did not include paying for *Shirbaha*, the amount of money, property or gift presented to the bride's mother for having nursed her. In 61.3 % and 22.6 % of cases, women had husbands who were less than 10 years older than them respectively, and men were married to wives who were, in most cases (52.9 %) 10 years younger than them. As youth is deemed as a valuable commodity this age gap is not surprising

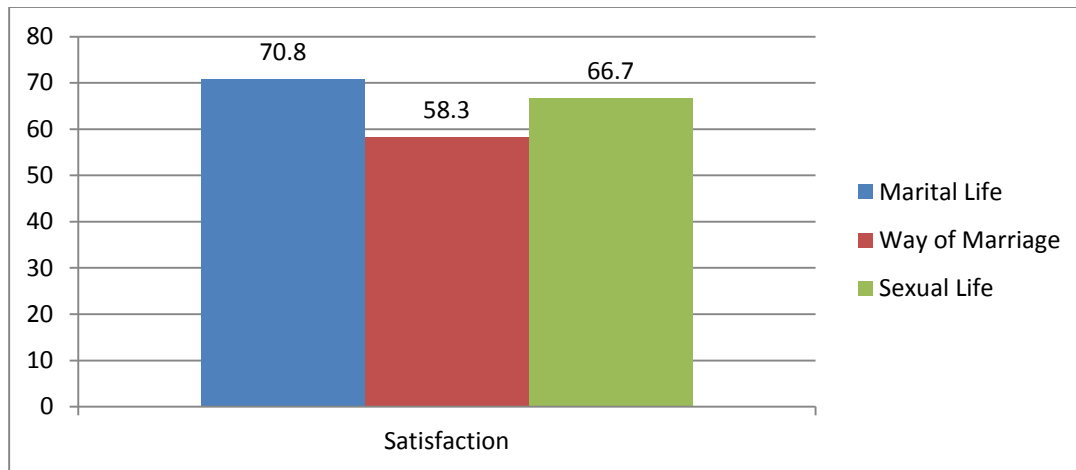


DIAGRAM 13. SATISFACTION WITH MARRIAGE IN EAST AZERBAIJAN PROVINCE

Diagram 13 shows the rate of satisfaction with respect to marital life, way of marriage, and sexual satisfaction. The graph shows that the respondents in East Azerbaijan claimed they are highly satisfied with their married life at the ratio of 70.8%. The second highest percentage shows their level of sexual contentment. Less than 50 % were found unhappy with the way they were married.

Exposure to Sexual education

50 % of the child brides received their sexual education by talking to adult family members and 18.8 % by family consultants. 79.2 % of people voiced that they considered ECM as unbeneficial and 72.9 % of them wanted ECM to stop being practiced. A robust majority (62.5 %) were not exposed to any sort of education against ECM's prevalence. 95.8 % of them had no knowledge about the legal marriage ages for girls and boys. 20.8 % of respondents considered 18 as too early for girl to marry and 20 % of them thought 20 was an ideal age for boys. The ideal marriage age that they wanted for their children to be married at was 20 (29 %). In the vast majority of cases, boys' felt they had the right to decide about the appropriate age to be married (79.2%).

● Gender attitudes

Gender differences were reflected in the sexual division of labour that was divided between the productive and reproductive activities. The child care responsibility is completely on women (77.1%). Although a robust majority voiced that they considered ECM as not beneficial and should be halted the brutal truth is that ECM still flourishes within gender and patriarchal attitudes of virginity and honour. ECM is reflected by highly conservative gender attitudes that on one hand strictly prohibit sexual activity outside of marriage, and on the other, hold woman and girls and vicariously their families, responsible for any transgression of this norm, irrespective of consent. Under such conditions an unmarried girl poses a constant threat to the reputation of her family, either because she has a relationship, perceived to be having a relationship prior to marriage, or because she is (perceived to be) at risk of becoming victim to sexual harassment or violence, which will be equally devastating to her reputation and the family's reputation. Parents are compelled to marry their daughters soon after she reached puberty, because the mere existence of a sexually attractive yet unmarried women/ girl poses a threat to a patriarchal social order that insists and depends on absolute male dominance and control over female sexuality. The research study revealed that many of the participants consistently expressed that a girl who is no longer perceived to be a 'virgin' loses her value on the marriage 'market' and her dowry price decreases significantly. In East Azerbaijan, the research study revealed an absolute adherence to virginity (100%) and to the notion of controlling women's virginity.

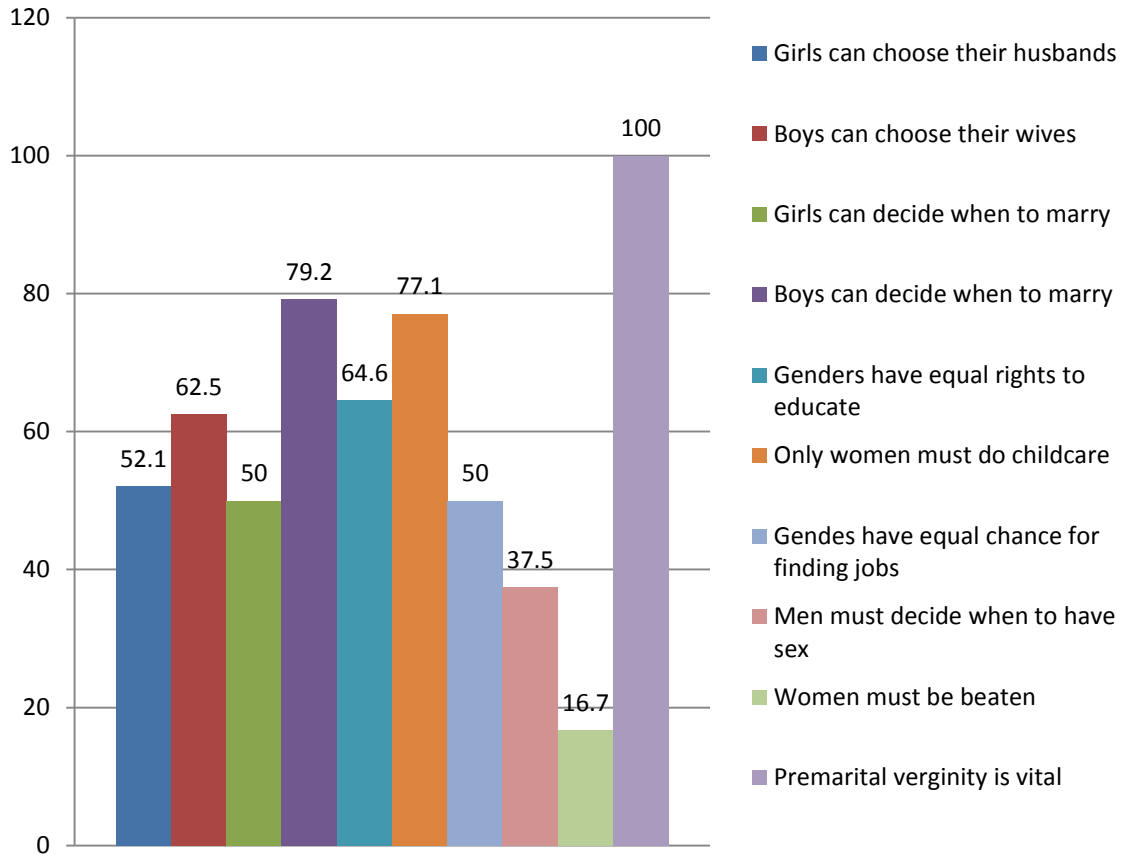


Diagram 14. Agreements on Gender attitudes in East Azerbaijan province

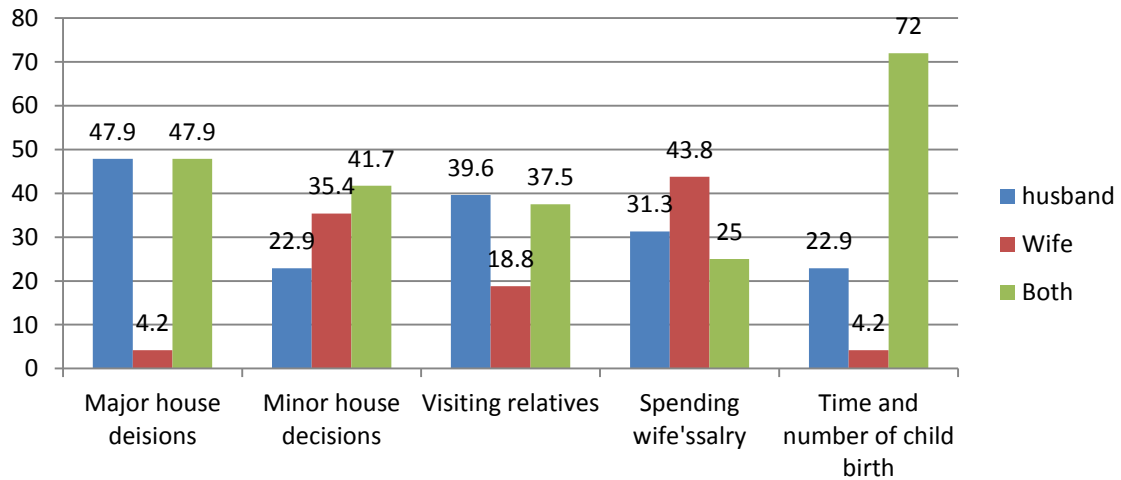


DIAGRAM 15. HOUSEHOLD DECISION MAKING IN EAST AZERBAIJAN PROVINCE

● Male Domestic Violence

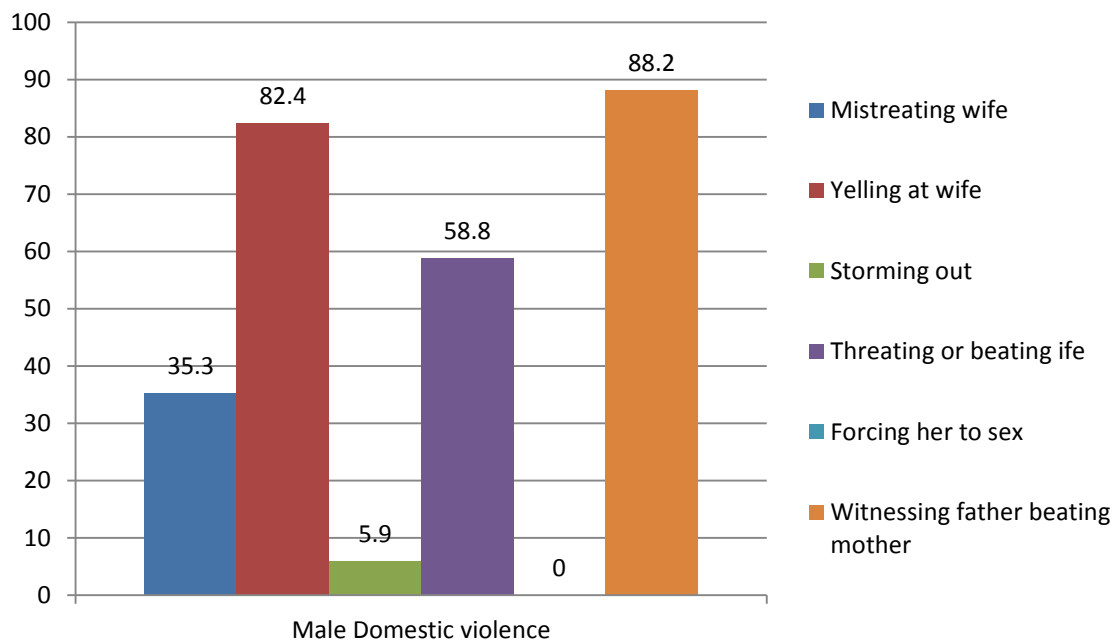


DIAGRAM 16. MALE DOMESTIC VIOLENCE IN EAST AZERBAIJAN PROVINCE

In as much as domestic violence is a massive pervasive global public health concern affecting approximately 30 per cent of women worldwide,³³² it is of no surprise that domestic violence would also be present in an ECM. The risk of domestic violence is particularly heightened in cases of child marriage.³³³ ECM can subject the victim to a lifetime of physical violence. Whilst having terrible health and economic consequences for survivors, domestic violence also has serious economic impacts on society

Diagram 16 shows the types and occurrences of domestic violence in East Azerbaijan province. A very limited number of people were convinced that beating women if she argues (16.7%) is acceptable as the beating is part and parcel of “the rights” of the husband. The highest ratio was noted for those respondents who had witnessed domestic abuse with their parents and had witnessed the physical abuse of their mothers by their fathers. Similarly, the ratio of yelling at ones wife

³³² WHO, London School of Hygiene and Tropical Medicine, South African Medical Research Council, “Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence.”

³³³ UNICEF (2005). Early Marriage: A Harmful Traditional Practice. UNICEF: New York.

was as low as 5.9%. It is worth bearing in mind that these figures are likely to be higher than the reported rates due to widespread underreporting of this type of violence.

3. KHUZESTAN



Geographical Span of the Research

Khuzestan province is the third province targeted by the research study. Located in the south west of Iran, this province has a population of 4,724,000 people in 2014 census³³⁴. The majority of the residents hold Shiite Islamic beliefs and speak Arabic, Persian, and Lori. There are diverse nationalities living in the district, ranging from Arab, Lur, Bakhtaran to the Fars. Each of the nationalities provided the research study with a different cultural background and characterisations. Notwithstanding the diversity in nationalities and languages, what was observable was a common and consistent thread of culture similarities running throughout

³³⁴ The National Organization for Civil Registrations, 2014.
<https://www.sabteahval.ir/Upload/Modules/Contents/asset99/salnameh93.pdf>

the rural areas. Khuzestan province holds the second rank in girls' marriage in the age groups of 'less than 10' and '15 to 19', second in boys' marriage in the age group of '10 to 14' and second in the age group '15 to 19. In order to conduct more than 41 interviews, a total of six cities were chosen from the first cluster: Abadan, Ahwaz, Dezful, Haftkel, Shush and Shushtar among which the second cluster of villages were selected, such as Kuy-e Al-e Safi, Albaji, Kabe Abud, Alvan, Banader, Konar Pir, Eslam Abad, Kule Jaz, Shahrak-e Bahram, Haj Hossein, Ramileh, Shatit, Sawaamer, Tare Bokhakh, Shahle, Chaman Laleh, Dime Darb, Nomre Do, Jarou, Gazin and Naft Sefid.

The Khuzestan province borders Iraq from the west and was a major region that was subjected to war and conflict throughout the Iraqi war in the first decade of the Islamic revolution. Throughout the eight year war, the region was inundated in tenure and inhabitanicies issues that had produced a lingering negative effect on migration policies and social priorities for decades to come. The balance of population and diversity changed dramatically through these



FIGURE 14 CHILDREN PLAY CARDS-PHOTO BY KAMEEL AHMADY

"We gave our 13 years

old sister to our cousin who was 19 at the time of marriage. She got married and we got 4 million tomans.

Male Respondent, 21,

Kabe Abut, Ahwaz, Khozestan province

years. Therefore, a great deal of similarities could be seen amongst the inhabitants living on either side of the border, particularly amongst Arabs.

Observational Scanning

As puberty is the hallmark that determines when a child is able to have or father children, it is considered to be of utmost importance and one of the biggest milestones in every person's physical development. What has been a sociological phenomenon worldwide is early and or precocious puberty. The age of puberty is directly related to the secretion of hormones. Precocious puberty is when this normal process of hormones secretion starts early and continues to progress through growth spurts and bone maturation. Girls who show significant signs of puberty and its progression before age 7 and boys before age 9 are considered precocious.

A study by Dr. Marcia Herman-Giddens found that in 1860, the average age of the onset of puberty in girls was 16.6 years. In 1920, it was 14.6; in 1950, 13.1; 1980, 12.5; and in 2010, the age had dropped to 10.5. Similar sets of figures have been reported for boys, albeit with a delay of around a year.³³⁵ The Department of Environmental Health at Boston University stated that the causes of most precocious puberty cases remain unknown. While many of the cases are attributed to excess weight gain or (paradoxically) improved nutrition, exposures to phthalates and other endocrine-disrupting chemicals have also been implicated as possible risk factors.³³⁶

³³⁵ www.theguardian.com, why-is-puberty-starting-younger-precocious-

³³⁶ IBID

Scientists have brought forth a number of plausible explanations for the rising phenomenon of early puberty. Globally, patterns of early puberty appear to be susceptible and influenced by *everything* from economic conditions to genes. One school of thought that deserves special attention is weather and climate patterns³³⁷ and the environmental signals related to climate and light in the context of variations in pubertal timing around the world. It is thought that temperature and light-darkness rhythms are influenced by geography and seasons that plausibly modulate the reproductive axis. However, in the Arctic area, the dark winter months may be associated with reduced pituitary-gonadal function and low conception rates.³³⁸ The effects of light-darkness rhythms can be mediated through the pineal gland hormone melatonin, which circulates in high concentrations at night.³³⁹ Clearly further study of the onset of puberty as a possible sensitive and early marker of the interactions between environmental conditions and genetic susceptibility that can influence physiological and pathological processes is warranted.

The hot climate in the Khuzestan province region is believed to be the reason that spurs early puberty development amongst girls and boys. As previously stated (See chapter 2) most religious leader and clerics have also echoed this school of thought that the hot tropical climate is responsible for stimulating early puberty development which in turn triggers sexual desire. Although psychologically these young boys and girls are still children but biologically able to have and or father children and thus considered as adults who are ready to be married

³³⁷ www.scientificamerican.com, rises-in-early-puberty-may-have-environmental-roots

³³⁸ Rojansky N, Brzezinski A, Schenker JG 1992 Seasonality in human reproduction: an update. Hum Reprod 7:735–745 Medline

³³⁹ The Timing of Normal Puberty and the Age Limits of..press.endocrine.org/doi/full/10.1210/er.2002-0019

“Abortion is

common here. All the girls that get marry in this age face the same problem. Our bride is 13 and has aborted her child 2 times. She had given birth 4 times by the time she reached 13. After getting married everyone should have children within 9 months for people forcing them. That's why we get this abortion problem a lot.

Female Respondent, 32

Alvan, Shoush, Khuzestan province

Additionally, the geographical climate is plausibly responsible for many customs and social norms regarding ECM. Because of inclement demand, the weather and insufferably hot temperature during the day, farming and gardening is almost impossible. Thus families' work hours are limited to the early mornings and late evenings, when the temperature decreases. This accelerates the need for more workers and manual labours within the family, abetting the necessity and encouragement of ECM to supply the labour demand.

At its core, child marriage is rooted in gender inequality and the belief that girls and women are somehow inferior to boys and men. Girls are not valued as much how and they learn at an early age how to behave, dress, who she should be allowed to see and eventually who she will marry. Girls occupy a lower status in societies as a result of social and cultural traditions, attitudes, beliefs that abrogate rights and stifle independence and autonomy. What was observable during the research study interviews in the Khuzestan province were the young girls/brides fear and reticence of expressing ideas freely. The gestures and tones of their voice often changed when a family member interrupted the interview to control her answers or just supervise her responses. In most cases not only was a strong family supervision and control present but also in most cases the adult insisted on answering for her. In order to factor in this observable cultural reticence,

numerous efforts were made to arrange situations in which the respondent was alone and thus able to respond freely. The questions in the last tables on Female Sexual Violence and Male Domestic Violence were mostly frowned upon by the family, and extra care and caution were considered in the field work training to guarantee the research study's validity of method.

In addition to a limited freedom of movement and expressing one's own opinion for women, the other prominent issue in the Khuzestan province on the direct effect of ECM was the alarmingly high rate of abortion amongst child mothers. Early childbearing is deeply ingrained in the Middle Eastern society and is considered to be the ultimate purpose in a woman's life. In some tribes such as Bosaak and Zallaghi, girls as young as 11 years of age are married and are expected to soon give birth. Abortion seemed to be highly prevalent and correlated with cases in when the mother is younger than 13.

Marriage rituals, mostly arranged amongst relatives, do not differ in scope in terms of the ceremonial rituals witnessed in Arabic families. However, in contrast to what has been observed in other nationalities the groom is completely responsible for providing the dowry. Dowry in such cultures is considered as an important symbol of prestige. As previously discussed, the bride price is also influenced by the relationship and family ties of the groom, meaning that if he is a cousin or another relative, the price tends to be lower than if he were a stranger.

A part of this price is paid to the bride's family before marriage, referred to as the prior (*Moghadam*), and the posterior (*Moakhar*). The *Moghadam* and the *Moakhar* expenses form the aggregate bride price and the amount can change depending on the tribe. In some tribes if there is a conflict or divorce or if the wife wants to divorce, she must pay the bride price to the groom or his family. Conversely, if the husband wants to divorce his wife, it is he who pays. In other tribes, the bride price is always

the grooms' responsibility, and if the wife wants a divorce, she must waive her right to receive the bride price.



FIGURE 15 TRIBAL LEADER IN HIS HOME WHERE HE RECEIVE PEOPLE- PHOTO BY: KAMEEL AHMADY

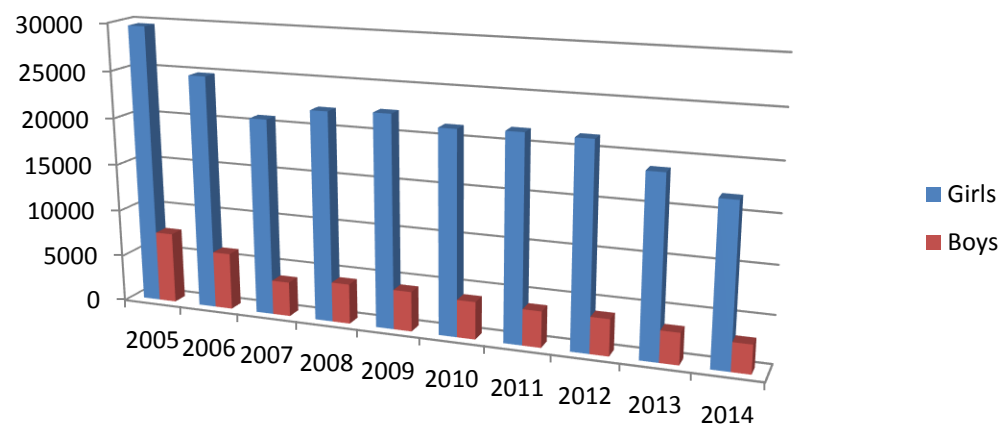
According to the local informants in regions around Abadan there is also a common practice of what is locally referred to as the 'buying age'. As the bride price is often a reflection of the amount paid by the groom to the brides 'parents, in order to receive the families' consent to marry their daughter, in some countries, the younger the bride, the higher the price she may fetch.³⁴⁰ Youth is associated with beauty, virginity. This demand for a young girl creates an economic incentive where girls are sought and married quite early by her family to the highest bidder.

³⁴⁰ Bearak, Barry (July 9, 2006). "The bride price". The New York Times. See also Nour, Nawal M. (2006), "Health Consequences of Child Marriage in Africa", *Emerging Infectious Diseases*, 12 (11): 1644–1649,

Thus families of young girls who cannot register the marriage because of the bride's very young age, attend a family court and purchase the additional ages that are required for the marriage to be legally registered. The price for each year depends of the number of years lacking and can vary from 100 to 500 thousand Tomans (31 to 159 USD).

Survey Results

As seen in the marriage chart that reveals progress within the last ten years, a comparative analysis of under aged girls and boys demonstrates several trends. First of all, marriages for young girls under the age of 18 are at a much higher rate than the rate of marriage for boys, but in the long term there is a yearly decline.



DIAGAM 17. MARRIAGE UNDER THE AGE OF 18 IN IN KHUZESTAN PROVINCE

Secondly, in contrast to the marriage ages, the divorce ages are increasingly targeting younger children. Each year there are higher numbers of children under the age of 18, who are either divorced or child widows. Once more, the issue targets more female than males, meaning that vulnerable divorced or widow girls under 18 are more visible than vulnerable widowed boys.

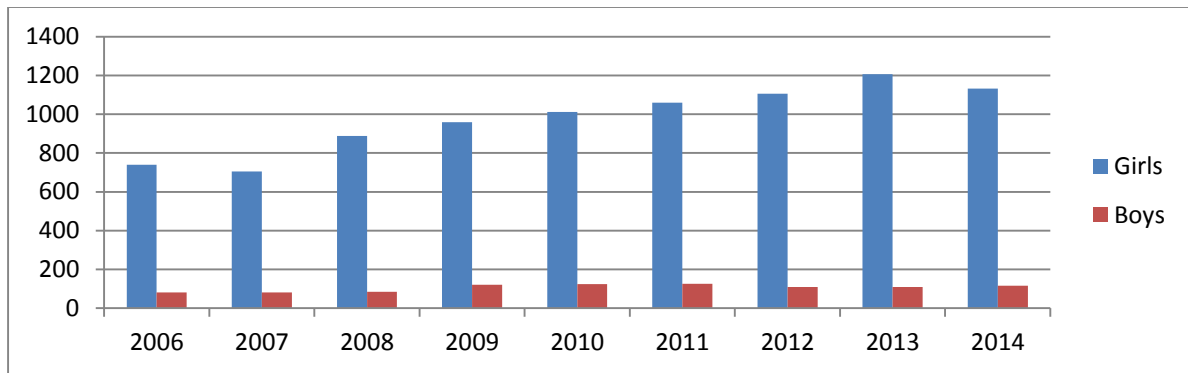


DIAGRAM 18. DIVORCE FREQUENCY UNDER 18 YEARS OF AGE IN KHUZESTAN PROVINCE

ECM in Khuzestan province shows a yearly decline as the general percentages of ECM's prevalence that has always allocated 30 to 40 % of the total marriages in the Khuzestan province.

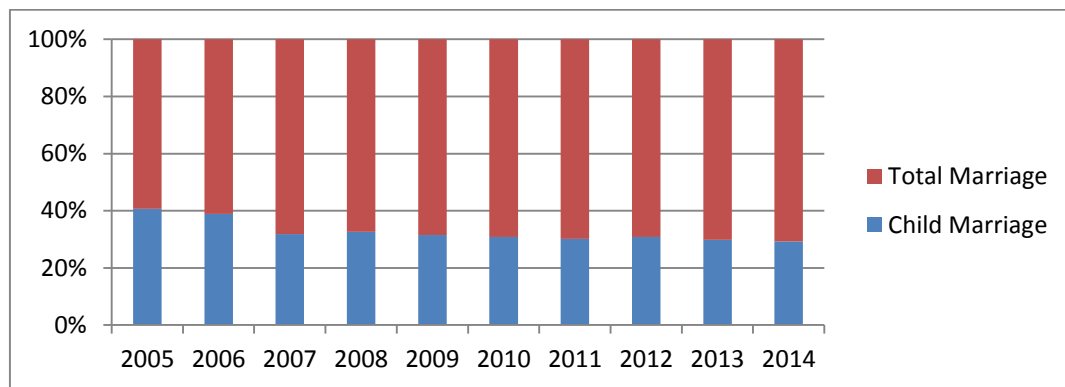


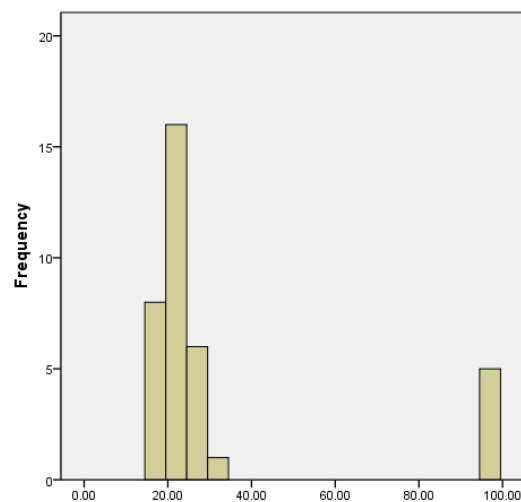
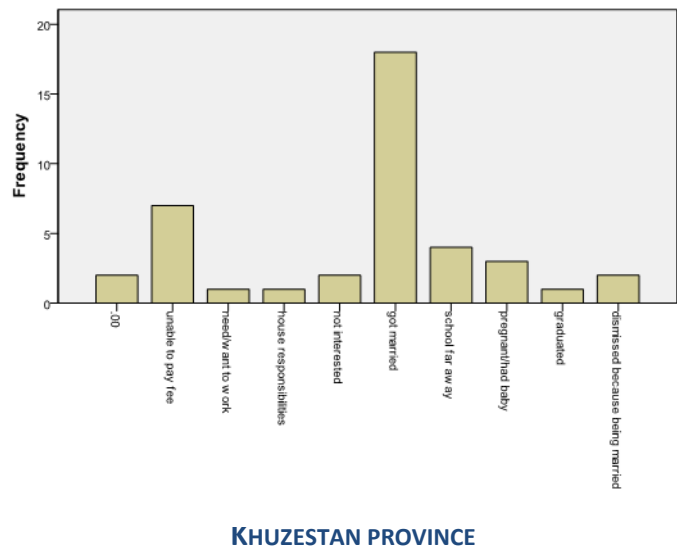
DIAGRAM 19. ECM RATIO IN KHUZESTAN PROVINCE

Background

In Khuzestan province the sample size was randomly divided into 87.8 % females and 12.2 % males. The observable age range was in general 16 to 25 (9.8 %). Most of the respondents (29.3 %) live with their husbands or wives and the others live (14.6 %) with their fathers in law. The majority, (71%) of the respondents are Arabs and 14.6 % are Fars and Bakhtiari. Respectively, 58.5 % of them speak in Arabic and 17.1 % speak Bakhtiari. Parents' ability to read and write was for

mothers 43.9 and 48.8 % for fathers. All respondents were literate but only 4.9 % of them were still studying. Some had successfully finished their high school (19.5 %).

One of the most dismal and consist consequences of ECM is the withdrawal of girls from formal education. Husbands of young wives are often older men, who expect their wives to adhere to tradition, stay home and undertake household and child-care duties. A girl may be unable to attend school as it may be against her husband's wishes. The husband's family may refuse to invest their scarce resources in the wife's continued schooling. When girls drop out of school to get married, there is a knock-on effect for the community as a whole, and for future generations.³⁴¹ Evidence shows that girls who marry early often abandon formal education and become pregnant.³⁴² Relentlessly, the research study showed that the principal reason



**CHART 5. REASON FOR LEAVING SCHOOL IN
KHUZESTAN PROVINCE**

³⁴¹ Newsletter No 7 Enabling Education Network Title: Early Marriage and Education
Author: Lewis, IPublisher: EENETDate: 2006

³⁴² <http://data.unicef.org/child-protection/child-marriage>

for abandoning school was to get married (43.9 %). Most of the respondents' job was the housework and child care (68.3 %). The remaining 14.6 an% were self-employed. All of respondents were Shiite Muslims amongst which 82.9 % of them had been practising their religion from the age of 9 (36.6 %).

●Female reproduction

The total of 86.1 % of interviewed women had at least one delivery. Many had their first baby when they were 19 (11.1 %). In most cases, their post-natal care was provided by their husband's family (38.9%). Many of the young women reported protracted labour difficulties (27.8 %) and haemorrhaging (22.2 %). The use of contraceptives and condoms amongst women was 44.4% and 33.3% respectively. Their general knowledge about obstetrics and gynaecological issues were also considerably low; however, a slim majority (27.8 %) mentioned haemorrhaging as a probable occurrence. Almost half of the interviewed women were familiar with the concept of obstetric fistula as 25 % of them had experienced it.

● Male reproduction

A total of 75 % of men had fathered at least two babies and 25 % became fathers at the age of 16. 75 % of them expressed wanting to have baby at that time and 25 % did not want to have babies at all. All of the men claimed to know about danger signs in pregnant women and in 50% of cases the men mentioned fainting as a crucial delivery problem.

● Marriage and marital decisions

Randomly selected, a total of 95.1 % of the respondents were currently married and 4.9 % of them were single. A total of 9.8 % of marriages were not registered in the couple's name. 80.5% of marriages were registered simultaneously at the moment of marriage. It was observed that 95% of the married respondents were physically present at their marriage ceremony whilst 51.2 % of their marriages were arranged by a matchmaker. 48.4 % of them did not have formal engagement planned or arranged by their families. As in many ECM, girls are married to much older men and have little choice in the matter be it in law or in practice. Our research study bore witness to this irrefutable fact. In most cases (54.1 %) more than over half (29.5 %) of this group reported that their husbands were at least ten years older.

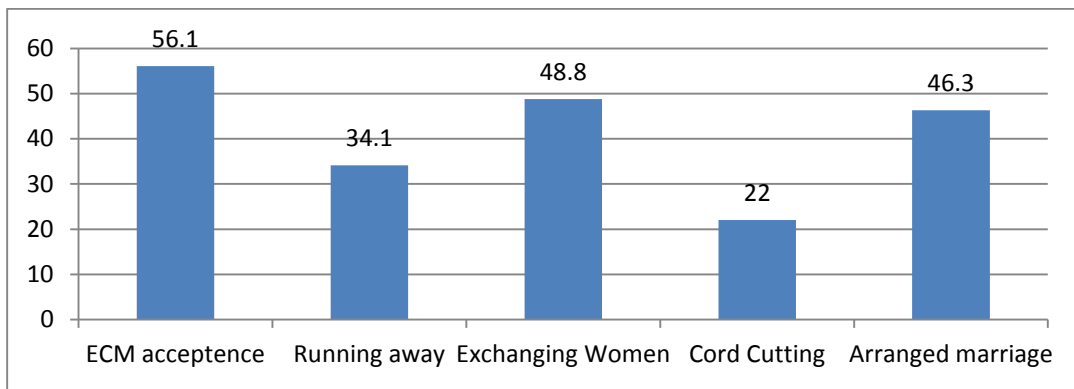


DIAGRAM 20. PREVALENCE OF MARRIAGE FORMS IN KHUZESTAN PROVINCE

The average age at the time of the engagement was 18 (26.8 %). 24.4 % of respondents did not want to be married when it took place. Nevertheless, 61 % expressed happiness, 22 % indifference and 12.2 % sadness. In 34.1% of the cases, the respondents stated they did not know at all their marital partner at the time of marriage whilst in 41.5 % of cases the respondents reported choosing their husband or wife. 36.6 % of the respondents stated it was their family's choice. As previously mentioned, as social groups follow traditions from previous eras

without questioning contemporary relevance, we observed that in the Khuzestan province the inhabitants adhered to ECM because this is the way things have been done in their families. A whopping 63.4% of respondents wanted their children to get married in the same way as they did with no deviation.

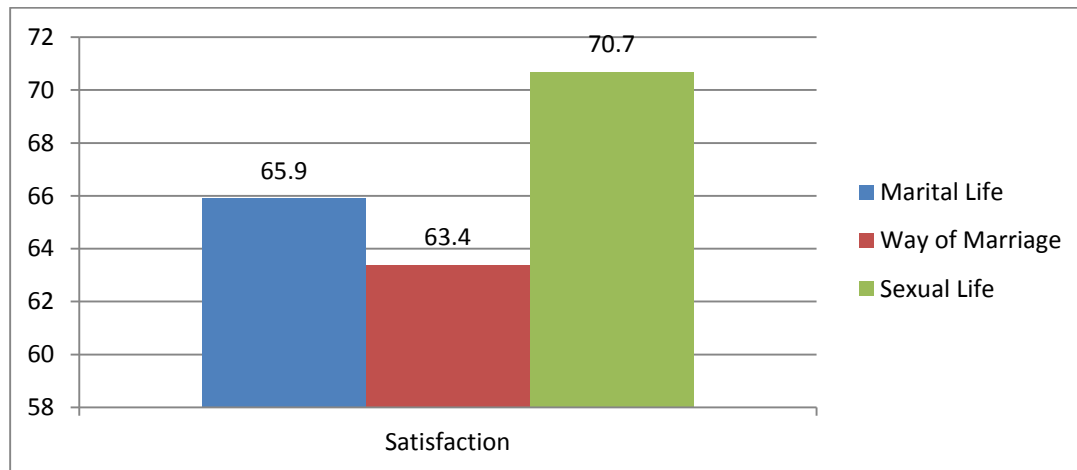


DIAGRAM 21. SATISFACTION WITH MARRIAGE IN KHUZESTAN PROVINCE

In terms of dowry or bride price, 75.6 % of marriages included dowry and 63.4 % of them included the bride price. In 65.9 % of cases the bride price had never been paid to the wife. In 50 % of cases men had promised their wife to let her carry on with her education after marriage.

● Exposure to sex education or ECM messages

Young brides often lack knowledge about sexual relations, their bodies, and reproduction, a problem which is exacerbated by the cultural silence surrounding these subjects.³⁴³ Sexual orientation plays a vital role in shaping the marital life structure. The level of sexual education was found to be limited amongst the respondents. The survey in Khuzestan exposed a total of 51.2 % of respondents who received their sexual education from family counsellors before being married whilst 26.8 % of them received it by talking to other adult members of the family.

³⁴³ Arranged Child Marriage | One Child onechild.ca/.../about-csec/arranged-child-marriage

Most of the respondents (39 %) mentioned that ECM was unbeneficial but 22 % mentioned avoiding pre-marital sex as a positive advantage of ECM. Late marriages were viewed negatively as 26.8 % considered it reaping no benefit for couples. 43.9 % of the respondents said they have never been exposed to or received messages about ECM whereas the other 34.1 % said they have heard about ECM on television. 36.6 % of the respondents believed that ECM must be eradicated and 46.3 % of them said it depends on factors such as body size and special conditions. None of the respondents had slightest knowledge and idea about the legal age of marriage. This displayed lack of cognizance about the law and ECM can be viewed as a setback to curb the practice of ECM.

The responses from people regarding the age of marriage reflected that many prefer marriages of boys and girls when both are at the legal age of marriage. But, in reality boys, and especially girls, are forced into marriage at a very young age when they are simultaneously given the title of husband and wife. Many mentioned 18 or 25 as the legal ages for marriage. 37.1 % of the respondents opined that 15 years of age as too early for a girl to get married whilst 20 years old was ideal for a boy to get married. The ideal marriage age for their own children was said to be 25 (26.8 %).

● Gender attitudes

Traditional beliefs associated with detrimental gender attitudes plus prevailing gender biases prevent a girl child from acquiring any other skills except those complementing her biological capacity is the underlying premise in forced marriage ECM is a by-product of the subjugation of females as it devalues women and girls and discriminates against them.³⁴⁴ "The discrimination," according to a

³⁴⁴ Child Marriage: Facts, Causes and Consequences. Middleeast.about.com

UNICEF report on "Child Marriage and the Law," "is often manifested by ECM. This premise is the major cause for the continuation of ECM and how these patriarchal societies view women. The marginal social roles assigned to married girls halts the privileges of childhood, while precluding access to powers granted to adult members of their communities.³⁴⁵

Sexuality and virginity is crucial. Girls' identity and life choices are defined by expectations regarding their sexual roles and behaviour³⁴⁶. In certain cultures, marrying a girl young presumes that the girl's sexuality (therefore the girl's family's honour), will be "protected" by ensuring that the girl marries as a virgin. A girl's virginity is seen as a 'trophy' for the husband. Female sexuality shapes the family honour in the eyes of parents and communities: virginity for the unwed, and faithful, monogamous childbearing for the married. The commodification of girls' sexuality is part of upholding this honour since a girl's virginity and reproductive capacity are exchanged between families.³⁴⁷ The imposition of the family honour on a girl's individuality, in essence robbing the girl of her honour and dignity, actually undermines the credibility of family honour. These above rationales were directly and indirectly voiced by the respondents in the Khuzestan province. Pre-marital virginity was of vital importance for 80.5% of the Khuzestan people.

Work opportunities and its link to girls 'reproductive and gender roles showed that a very limited number of respondents believe that equal opportunities should

³⁴⁵ THEMATIC REPORT:Unrecognised Sexual Abuse and Exploitation of Children in Child, Early and Forced Marriage

³⁴⁶ Greene, ME, SM Perlson, and Child Marriage Research network. The Centrality of Gender and Sexuality to Understanding Child, early and Forced Marriage.

³⁴⁷ Parikh, S. 2012. "They arrested me for loving a schoolgirl": Ethnography, HIV, and a feminist assessment of the age of consent law as a gender-based structural intervention in Uganda Social Science & Medicine,74: 1774-1782: 1779

be given to both genders to find jobs. 78% respondents believe that boys should have the right to choose their wives whereas 76.5% were of the opinion that girls can also decide to choose.

In terms of decision making power, the analysis is very thought provoking. According to the Khuzestan respondents' feedback, the right to make decisions was highly depended on whether the decision was perceived as major or minor. 58.5% felt husbands have the right and privilege of making all major household decisions, whilst only 14.5% of the women are part of the decision making process. However, in all minor decisions, wives have a greater say than husbands which is 36.6% and 31.7% respectively.

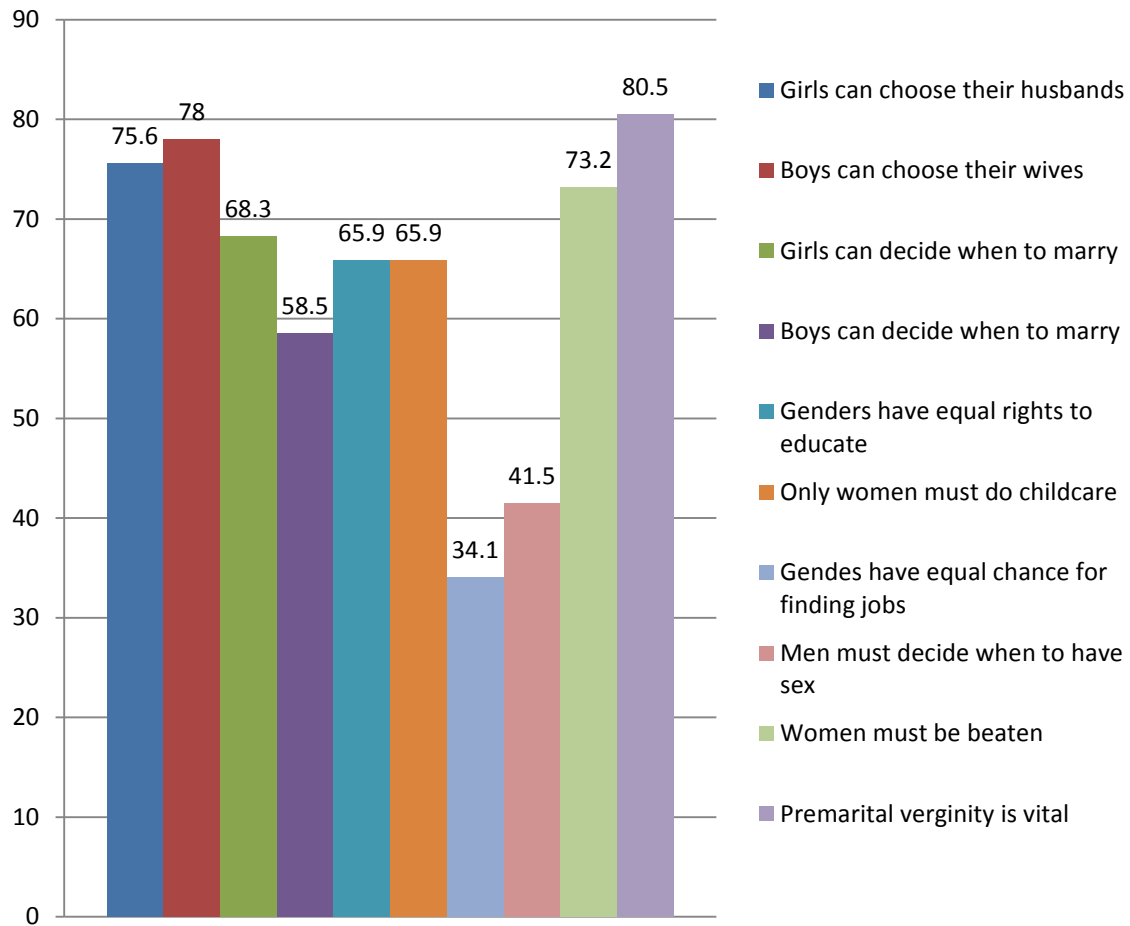


DIAGRAM 22. AGREEMENTS ON GENDER ATTITUDES IN KHUZESTAN PROVINCE

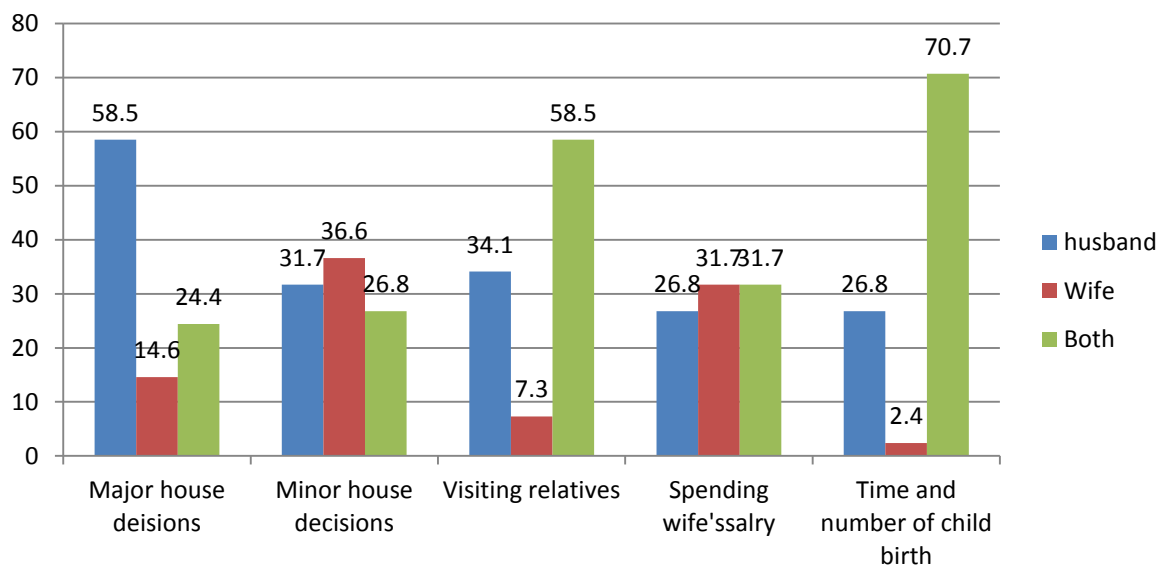


Diagram 23. House decision making in Khuzestan province

● Female sexual violence

As young married girls have little power in relation to their husbands they are therefore extremely vulnerable to sexual abuse and at a high risk of sexual assault. Many of these young girls are entrapped in sexual relationships that deprive them of their basic human rights. Girls who are married before 18 are more likely to report that their first sexual experience was forced.³⁴⁸ As a girl becomes a wife, she is forced all too soon into an adult sexual life. Such a prospect normally finds a young bride, who has had limited access to education and information, unprepared physically, psychologically and emotionally. Equally, she is unequipped with sufficient information and knowledge about her body, and disempowered to seek support from social and health services if they are available. From a pre-marital situation in which socialising with the opposite sex and engaging in sex are socially discouraged or even sanctioned, a married girl is plunged into another reality where she is expected to perform the sexual roles of a wife. Non-consensual sex forces girls into intimacy unwillingly.³⁴⁹

Only 2.7 % of the Khuzestan respondents experienced being touched against their will by a man. 40.5% of female respondents were forced to have sex with their husbands and the feelings about this forced sex was in most cases hate (21.6 %) and then sadness (18.9 %).

³⁴⁸Girls' safety - Girls Not Brides www.girlsnotbrides.org/themes/girls-safety

³⁴⁹ THEMATIC REPORT: Unrecognised Sexual Abuse and Exploitation of Children in Child, Early and Forced Marriage

Feelings about Forced Sex

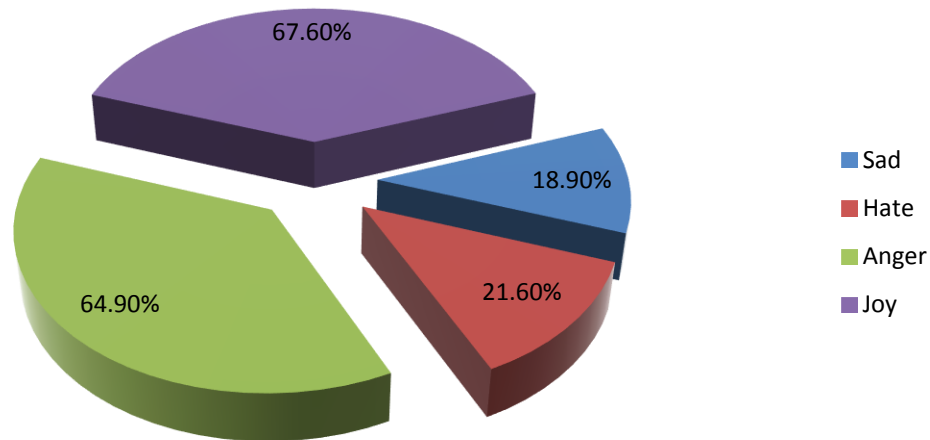


Diagram 24 Shows feeling about forced sex in Khuzestan province

• Male domestic violence

Diagram 25 demonstrates male domestic violence in Khuzestan Province in which the highest percentage shows that wife yelling is common place in the region (75%). Storming out received the minimum percentage of 25%. 64.9 % of the female respondents mentioned never mistreating their husbands and 67.6 % of them said they have neither threatened nor thrown things at their husbands.

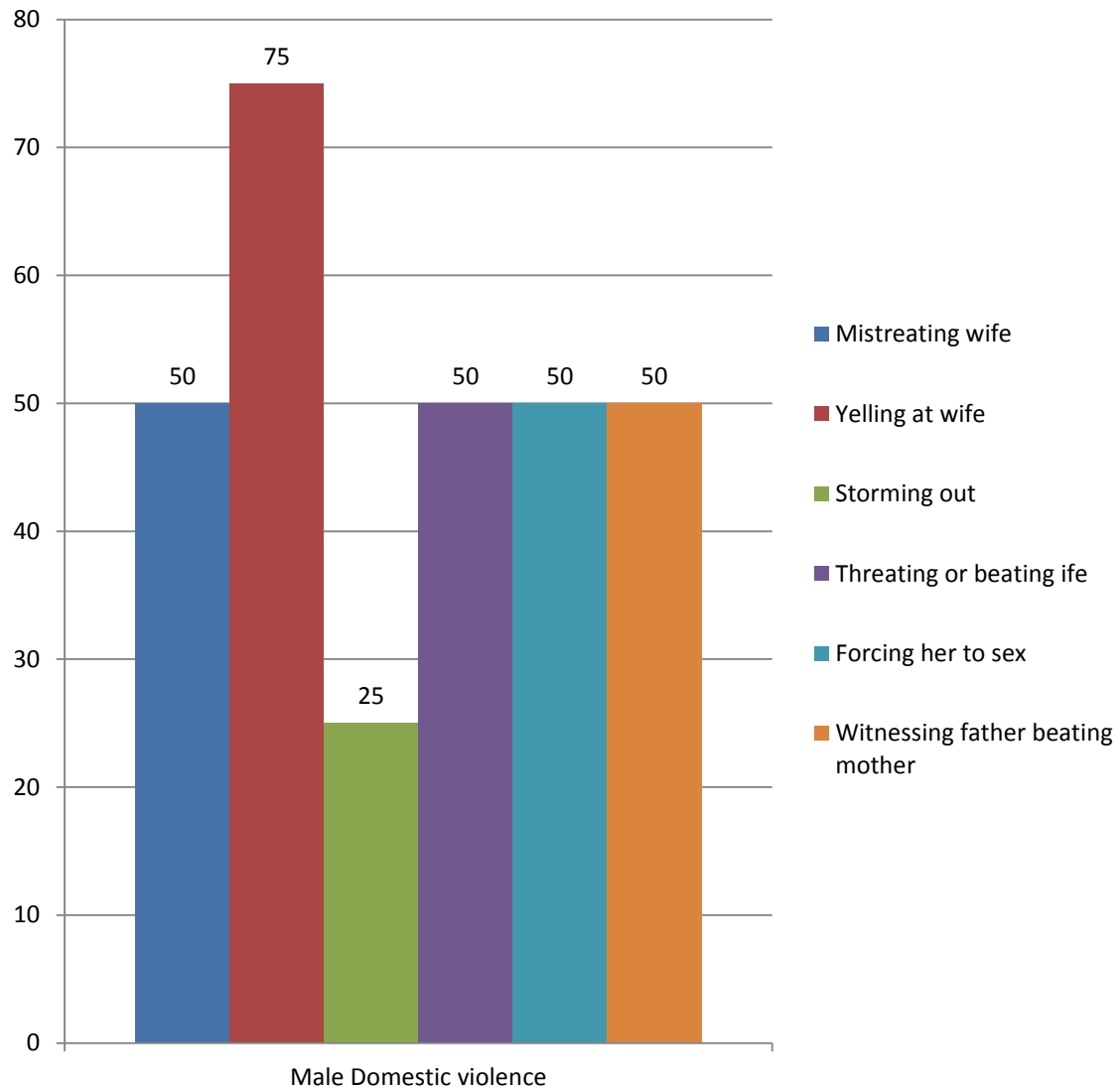


Diagram 25. Male domestic violence in Khuzestan province

4. SISTAN AND BALUCHESTAN



Geographical Span of the Research

Sistan and Baluchistan provinces are situated in the south east of Iran, bordering Pakistan and Afghanistan. The province, with its wilderness and desert like climate, is one of the poorest and most deprived districts of Iran. The latest census in 2014 shows the population of the province is 2,724,000 people.³⁵⁰ The dominant belief system is Sunni Islam but a minority group of Shiite Muslims predominantly live in the northern parts of the province.

Sistan and Baluchistan provinces ranked as first in girls' marriage in age group of 'less than 10' years of age, fifth and sixth rank in girls' marriage in age groups of '10 to 15' and '15 to 19' respectively. Its ranking for boys' marriages are second in the age group of '10 to 14' and third in the age group of '18 to 19'. In the total numbers of marriage occurrences, Sistan and Baluchestan province is ranked fifth

³⁵⁰ The National Organization for Civil Registrations, 2014.
<https://www.sabteahval.ir/Upload/Modules/Contents/asset99/salnameh93.pdf>

with respect to the age group of '15 to 19'. A total of six cities in each geographical district was chosen: Khash, Zahedan, Saravan, Zahak, Hirmand and Boghar. The different villages that were selected in the second cluster for conducting 49 interviews, included: Durbon, Balal Abad, Mahmoud Abad, Abbas Abad, Kahki, Karim Abad, Nahouk, Dashtouk, Molavi, Ghale kang, Rasoul Gholam, Doust Mohamad and Reza Jur.

Observational scanning

Sistan and Baluchistan province share borders with Pakistan and Afghanistan. The two major conflicts and war in the region have been a conducive factor in shaping the province's history. With its lack of a proper educational system and additional infrastructure social supports and facilities, the province shows uniformity communality, meaning that the differences between the rural and urban areas do not exhibit an egregious difference. The common way of life in this tribal and feudal system centres on kinship, and this gregariousness lifestyle has abetted and shaped customs and ideals about marriage and acceptable marital age.

In both the urban and rural areas, the undistinguishable levels of poverty co-exist with the similarity of cultural features in terms of religious beliefs, accepted norms and popularity of child marriages. ECM rates were demonstratively on higher levels of prevalence in both residential areas. Differences were minuscule. The paradoxical issue of late marriages in most capital cities and urban areas did not seem to be significant in this context. What was observed that although the marriage age seemed to be higher in the northern parts of the province such as Sistan which is populated by the majority of Shiite Muslims, in the other southern

parts of the province, that is Sarbaz, Sarawan and Iranshahr, that border Pakistan, the marriage age is lower.

In this tribal and feudal system, girls' or boys' consent is neither part of the culture and nor taken into consideration with respect to marrying children. Hence this practice of ECM has had an enormous influence affecting not only girls and education but also their psychological well-being. As ineradicably seen, the lack of awareness of ECM, poverty and gender discrimination are the prime causes that compelled parents to marry off their children, to marry before the age of 18.

Another significant genesis of ECM is the ineffective and sparse use of the birth registration system. When a marriage is arranged inside the family, there is felt no need to even register it as families simply do not feel the urge to have the marriage



FIGURE 16 SOME LOCAL TRIBES STILL LIVE IN TENTS, POLYGAMY AND ECM IS COMMON-PHOTO BY: KAMEEL AHMADY

legally recognised. Furthermore, the birth registration for children, particularly girls has never been prioritized, which potentially provides an opportunity to modify the child ages at the time of marriage. In addition, there are no central, independent and strong child rights bodies that could monitor child rights violations including the issue of ECM.

Complications of pregnancy and childbirth are the leading cause of death in young women aged 15–19. Child marriage makes girls far more vulnerable to the staggering health risks associated with early pregnancy and childbirth – just as their babies are more vulnerable to complications associated with premature labour.

The Population Health Fund reported that in 2010 in some of the provinces the maternal mortality rates were higher than the birth rates. In provinces such as Sistan and Baluchistan, young mothers die from pregnancy and childbirth. Although this province has a 5.64 % birth rate, it has 12 % maternal mortality in the country. The maternal mortality in Sistan and Baluchistan is far much higher in comparison to other provinces. For example, provinces such as West Azerbaijan, Khuzestan, Kerman, Lorestan and Isfahan province have a lower percentage of maternal mortality³⁵¹. The statistics are disquieting and alarming. In 2015 Sistan and Baluchistan had the highest rate of labour deliveries for mothers under the age of 15 (462 cases). Records in girls' marriage showed that one-third of girls younger than 14 were pregnant within a year after their marriage.³⁵² Sistan and Baluchistan have 3 % of



FIGURE 17 FIELD WORK IN RURAL AREAS OF BALUCHISTAN-PHOTO BY: KAMEEL AHMADY

³⁵¹ Population Health Fund 1389

³⁵² Hossein Rayisi, *Children and adolescents' rights: from birth to 18*, Electronic Academy of Tawana for civil society of Iran(2014). P.182

the country's population, 7 % of birth rates and 7 % of maternal mortality in the country.³⁵³

In comparison to the other provinces, the role of societal pressure for not marrying children was noticeably low. There was no strong advocacy against ECM in the province as it is so commonly far reaching that it has been normalised. Programmes to discourage these sorts of marriages have failed to gain traction as ECM is simply left unchallenged and largely unarticulated. As the phenomenon has not faced any opposition no social reaction or platforms of action have been formed to discourage ECM. It has always existed and is still in existence. ECM is positively seen and believed to be an integral entity within the context of tribal life, as it prevents premarital relationships and helps decrease corruption. In poverty stricken areas or areas with weak infra structures and a paucity of technological advantages, modern day tools of communication such as cell phones and social networks are threats to this traditional tribal and feudal system and to the traditional ways of communicating, especially for women. ECM is viewed as a tool of rationality.

As previously stated, the manner in which society units are shaped includes living in tribes and belonging to the kindred's lifestyle. Relying on family sources of emotional and financial support, couples who begin their marital life carry on and maintain the familial hierarchical system of kinship and unquestioning patriarchal acceptance by living with the groom's family's parents. As it is a customary in some tribes, until the younger son is engaged, the eldest son who has married cannot leave his parents and continues to live with them. This social conformity,

³⁵³ Ibid, p.183.

rooted in a complex matrix of religious traditions, social practices, economic factors and deeply rooted prejudices, leads to a continued dependency and lack of power amongst young husbands and wives. As marriages are mostly arranged in family, the very young bride who lives with her husband's family is obviously not part of the decision making process.

Almost all the respondents in the Sistan and Baluchistan provinces mentioned "cord-cutting marriage," either to them personally, their relatives or someone they knew. Cord-cutting marriages are created when the two individuals are mere children or toddlers and well before the wedding is due to take place. This widely practise custom means that two infants are engaged to each other with the parents' consent and once they have grown up, they considered to be marry to one another. The under lying logic of the practice is protection for the children's future and a guarantee for his/her marriage. The universality of this practise was significantly high and practiced in all villages in the program area. Almost every single respondent adhered to this tradition. Although their marital partner was chosen for them whilst they were infants, the young girls and boy can refuse to marry his/her designated partner as s/he grows up. As mentioned by the local informants, s/he can reject this unwritten vow and choose to marry another person. Based upon the responses we received, this rejection does happen

"The proper marriage

age for girls is 13 and for boys, it's from 15 onward. Two of my sisters and niece were married at the age of 13 and lower and now so satisfied with their lives. Marriage in later ages is so likely to end in divorce. There's no problem in a 13 year old girl being married if qualified. If she has grown up in size, then the marriage is better and allowable, but she has to be religious and faithful.

Molavi Abdulsamad Jezinki-clergyman

Sistan and Baluchistan province

frequently but it is generally frowned upon, as these inner tribal familial vows are considered to be very important to maintain.

Survey Results

ECM rates in the Sistan and Baluchistan provinces are volatile. The diagram shows ECM's rise within the last ten years with an upward turn in 2010, until 2011. This gradual increase and sudden decrease holds true for both genders from 2011 onward.

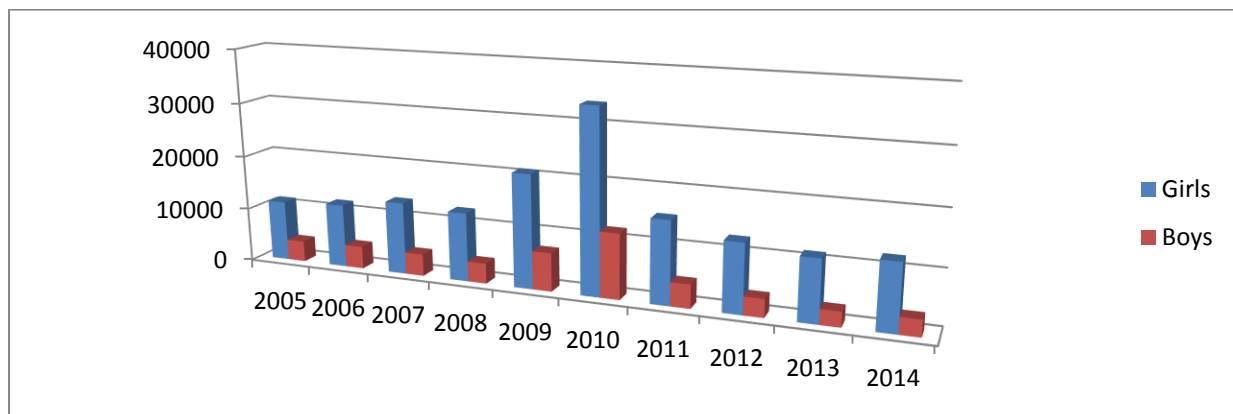


DIAGRAM 26. MARRIAGE UNDER THE AGE OF 18 IN SISTAN AND BALUCHISTAN PROVINCE

The divorce rates in Sistan and Baluchistan provinces in comparison to other provinces, showed lower rates and frequencies. The religious and deprivation context of the province co-exist with the tribal and feudal lifestyle has led to a minimum level of divorce rates in the area. Nevertheless, these rates have been increasing within the last few years.

DIAGRAM 27. DIVORCE FREQUENCY LESS THAN 18 YEARS OF AGE IN SISTAN AND BALUCHISTAN PROVINCE

ECM rates in the total number of marriage rates in Sistan and Baluchistan provinces have never has been lower than 40 %. Marriages under the age of 18 form a considerable part of the aggregate amount of marriage as seen in the decade's diagram.

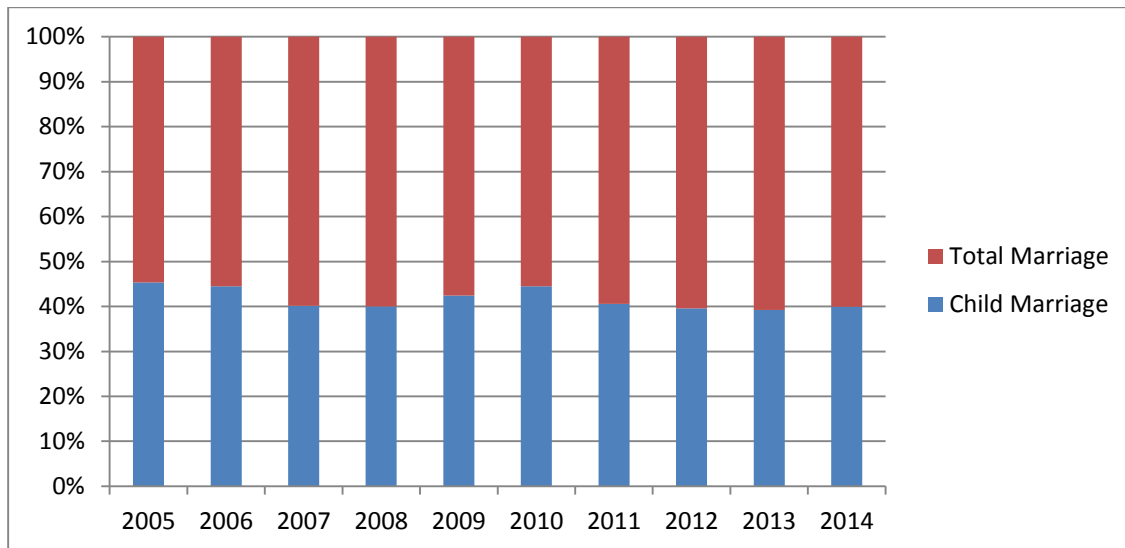
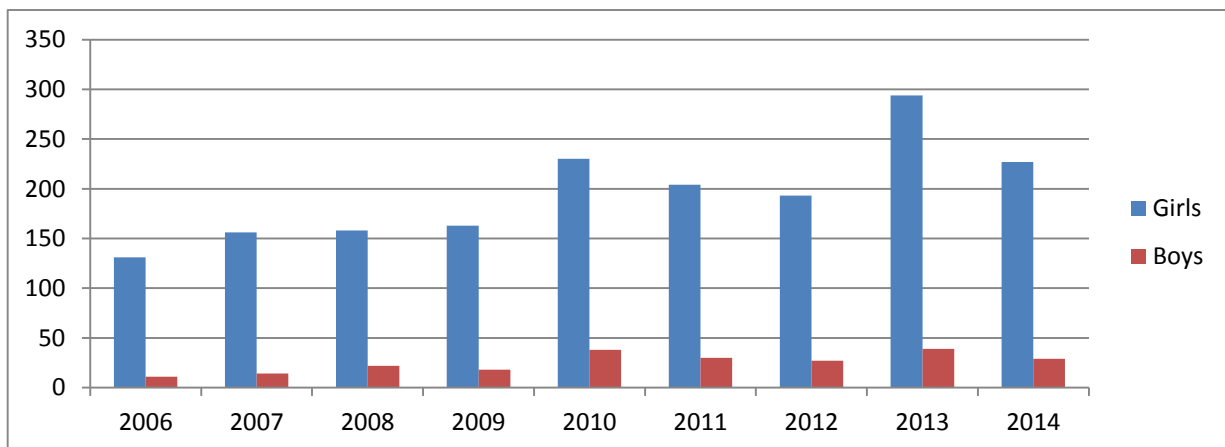


DIAGRAM 28. ECM RATIO IN SISTAN AND BALUCHISTAN PROVINCE

Background

67.3 % of the female respondents and 32.7 % of the male respondents were



mainly in the age bracket of 26 to 32 (12.2 and 16.3 %) and either lived with their spouses (55.1 %) or with their in laws (18.e 4 %). The majority of respondents

were Baluch (77.6%) and some were Persian (8.2 %). Parental ability to read and write were 30.6 % and 38.8% for mothers and fathers respectively. 91.8 % of respondents were literate and had on average 8 years of education (20.4%). None of the respondents were in school at the time of the research study as the preeminent reason for dropping out of school was marriage.

Most respondents labour skills were household chores and child care (40.8 %). Some were self-employed (40.8 %). The majority of respondents were Sunni Islam (85.7 %) and the remaining 7 % were Shiite Muslims. All respondents claimed to steadfastly adhere to and practice their religion starting from the age of 9 (59.2 %).

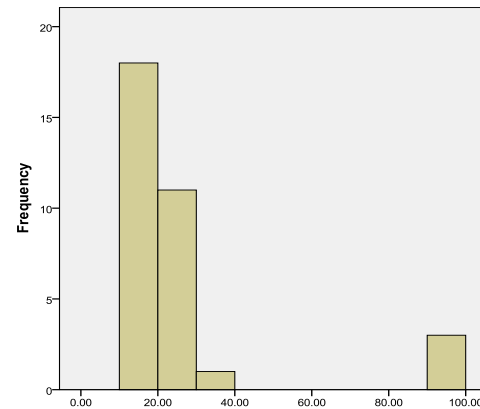


CHART 7. REASON FOR LEAVING SCHOOL IN SISTAN AND BALUCHESTAN PROVINCE

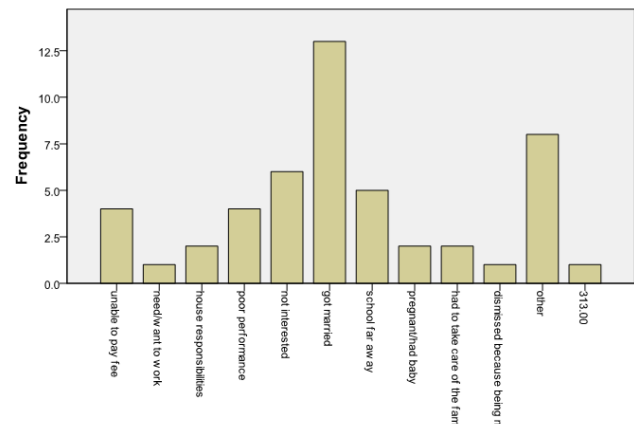


CHART 8. WOMEN'S AGE AT FIRST DELIVERY IN SISTAN AND BALUCHESTAN PROVINCE

● Female Reproduction

93.9 % of the interviewed women had given birth at least twice (48.5 %). Their post maternity care was mostly provided by their own family (72.7 %) or their husband's family (18.2 %). 21.2 % of them mentioned no delivery problem and 18.2 % had experienced protracted labour. 54.5 % were using contraceptives but the majority of the respondents (60.6 %) never used birth control devices such as a condoms. A majority of respondents (33.3 %) alleged to know everything about reproductive and obstetrical issues and the means to resolve them and yet further

probing revealed that their knowledge about general health problems and obstetrical and gynaecological issues were noticeably low. 54.5 % of the respondents said they have never heard about obstetric fistula, but once it was fully explained, 27.3 % of them acknowledged experiencing it. 75.8 % of women wanted to have baby the time they were pregnant, and other 21.2 % wanted to delay childbearing.

● Male Reproduction

The average age for the majority of male respondents was 21 years old when their first baby was born (18.8 %) in which 75 % of men wanted to have the baby at that time. Many had fathered 6 children (25 %). 25 % stated they were cognizant of the danger in prolonged and protracted delivery but 75% were unfamiliar of the risk factors.

● Marriage and Marital Decisions

All the respondents were currently married and their marriages were mostly (63.3 %) registered in their names straight away. The majority of them (20.4 %) were 15 years old when they were first engaged. 77.6 % of them have had a matchmaker who arranged their marriage whilst more than half (51.1 %) said their formal engagement was planned by their families. 51.5 % of women had husbands who were less than ten years older than them and 37.5 % of men were married to women less than ten years younger than them.

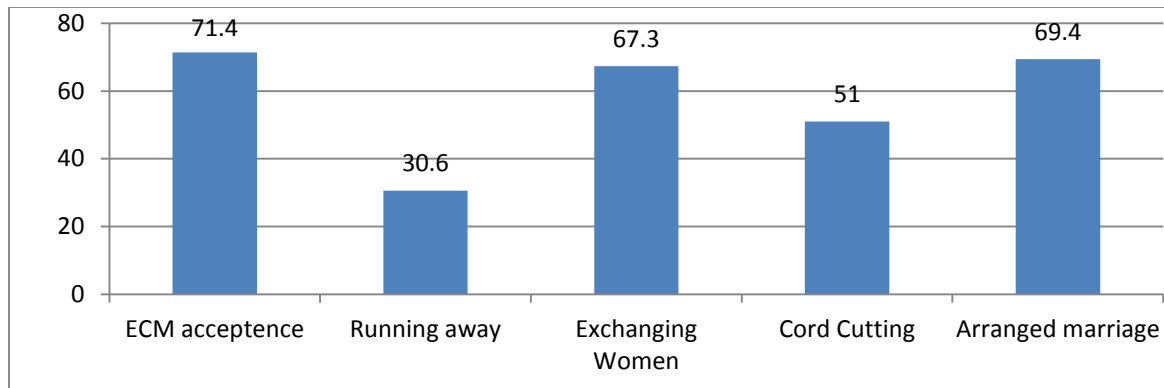


DIAGRAM 29. PREVALENCE OF MARRIAGE FORMS IN SISTAN AND BALUCHISTAN PROVINCE

81.6 % of respondents knew who they were marrying at the time of marriage. Some expressed indifference (42.9 %), and others expressed happiness (40.8 %) and sadness (16.3 %). 44.9 % of them claimed they did not know their husbands or wives. In the vast majority of cases (63.3 %), their marriages were based on the families' collective decision rather than the will of the respondents. Belief in ECM was unassailable and strong as almost 49 % of respondents wanted their children to be married the same way.

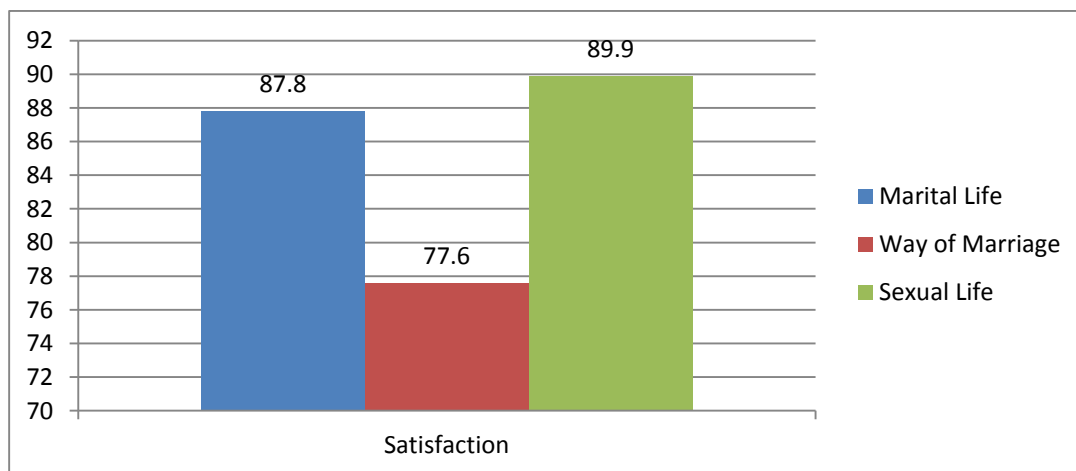


DIAGRAM 30. SATISFACTION WITH MARRIAGE IN SISTAN AND BALUCHISTAN PROVINCE

36.7 % and 65.9 % of the marriages included dowry and bride price respectively. 37.5 % of female respondents were attending school before marriage, and 75 % of them had been promised to be able to continue their education after marriage.

● **Exposure to Sex Education and or ECM message**

On the whole, respondents received their sexual education by either talking to an adult family member (32.7 %) or through the internet (12.2%). 26.5 % of cases believed there are no benefits in ECM, and the other 24.5 % considered avoiding premarital sex and ensuring virginity at marriage (16.3 %) as an advantage of ECM. 63.3 % of people saw a connection between later marriage, higher education and a mutually better relationship for the couple.

Most of the respondents (42.9 %) never heard of or had exposure to ECM prevention messages or sex education. However 36.7 % of them said they have seen information on television about the disadvantages of ECM. In general 51 % of respondents believed ECM must be eradicated whereas 36.7 % wanted it to continue. All of the respondents were unaware of the legal age for marriage. Both gender's knowledge about law was 100 % erroneous. The majority of 26.5 % of people considered the age of 15 as too young to get married for both boys and girls. Both male and females viewed the ideal marriage age to be 20 (28.6 %).

• Gender attitudes

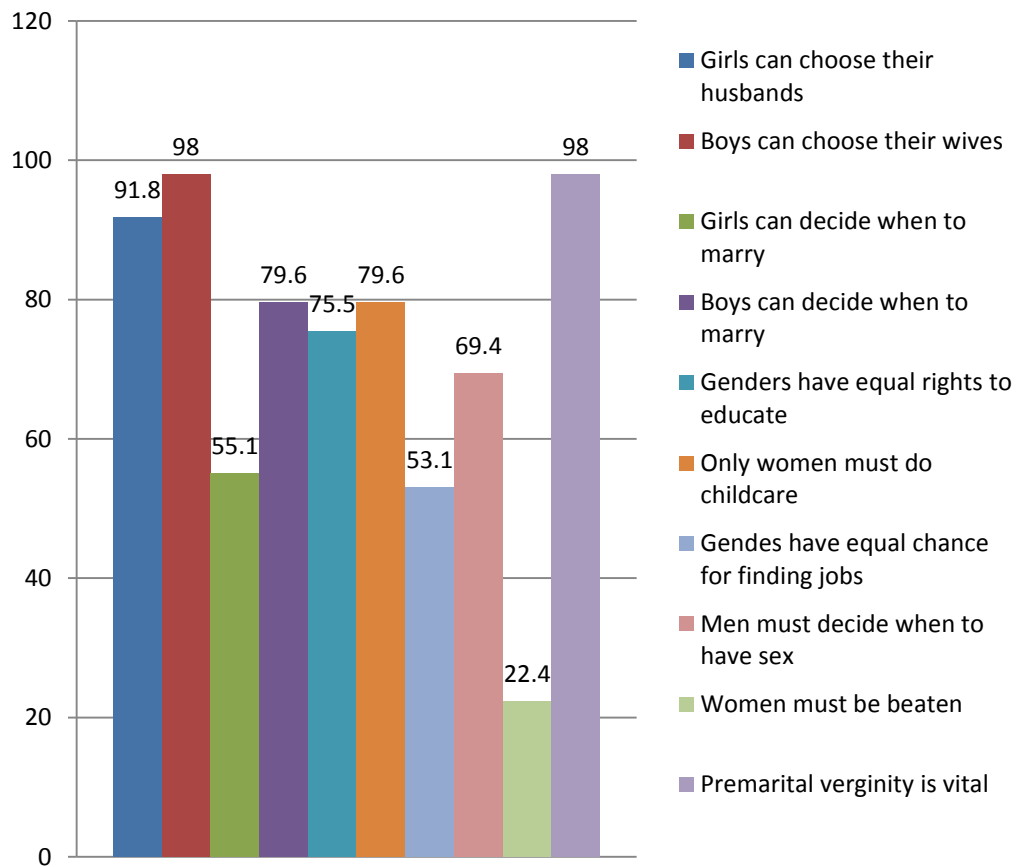


DIAGRAM 31. AGREEMENTS ON GENDER ATTITUDES IN SISTAN AND BALUCHISTAN PROVINCE

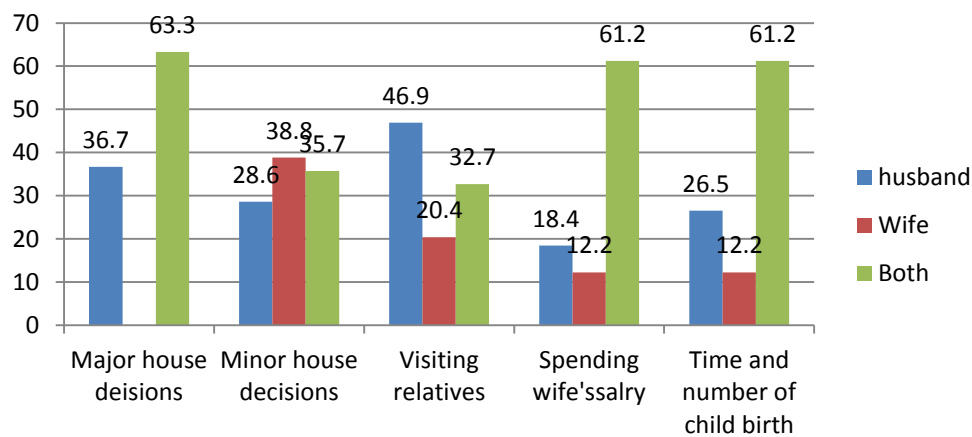


DIAGRAM 32. HOUSE DECISION MAKING IN SISTAN AND BALUCHISTAN PROVINCE

● Female Sexual Violence

All respondents mentioned no forced rape, harassment or touching against the will. Startlingly within this context 54.4 % of married women stated they had experienced forced sex with their husbands and their feelings about this were either sadness (36.4 %) or anger (15.2 %). Whilst many claimed they have not experienced forced rape many did not realised that their sexual relations with their husband was non-consensual sex. Overwhelmingly respondents expressed feeling of hatred. Mistreating the husband, threatening or throwing things at him occurred in 69.7% of the cases, whilst the feeling of joy was found in 30.3 % of the cases.

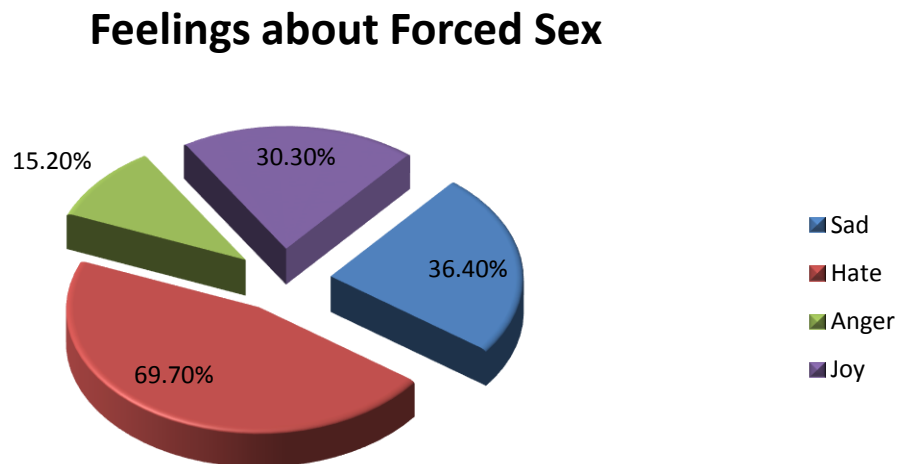


Diagram 33 Shows feeling about forced sex in Khuzestan province

● Male domestic violence

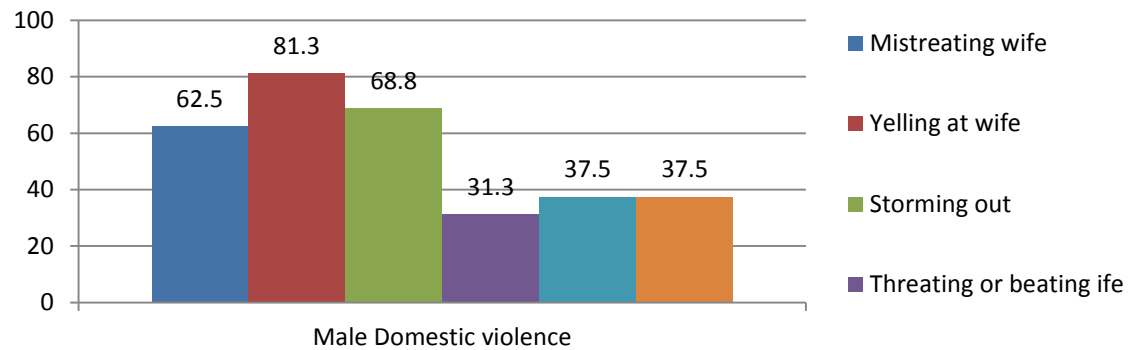


DIAGRAM 34. MALE DOMESTIC VIOLENCE IN SISTAN AND BALUCHISTAN PROVINCE

5. WEST AZERBAIJAN



Geographical Span of the Research

The West Azerbaijan province is located in the north west of Iran in a mountainous region that borders Turkey, Iraq and Nakhchivan Autonomous Republic. Despite the province's name which misleadingly implies Turkish and Azeri domination,

the region is predominantly populated by the Kurdish majority living in Kurd cities. As per the latest census, its population is 3,201,000 people³⁵⁴. People in Kurdish cities mostly are populated by Sunni Muslims whereas in the Turkish cities are predominantly populated by Shiite Muslims. West Azerbaijan province has the seventh rank in girls' marriage in the age group of '10 to 14' and the fifth rank in the age group of '15 to 19'. With respect to ECM and boys, West Azerbaijan province yields the third and fourth ranks in the age groups '10 to 14' and '15 to 19' correspondingly. The province is ranked fifth and fourth in total marriages of girls and boys in age groups of '10 to 14' and '15 to 19'. A total of six cities was selected in the first cluster that included: Boukan, Khoy, Mahabad, Miandoab, Salmas, Sardasht and Urumiyeh. More than 48 interviews were conducted in villages selected amongst the first cluster: Tulkan, Torkan, Pir Ali, Darre Ghasemloo, Gharin Darre, Zangalan, Eyblu, Dazeh, Ziveh, Surkan, Kitke, Rabat, Benavileh-ye Kuchak, Leilan, Zamziran, Kalle Gavi, Pasak, Bilvar, Babol Abad, Mozaffar Abad and Chichak.

³⁵⁴ The National Organization for Civil Registrations, 2014.
<https://www.sabteahval.ir/Upload/Modules/Contents/asset99/salnameh93.pdf>



FIGURE 18 A GLIMPSE OF WEST AZERBAIJAN-PHOTO BY: KAMEEL AHMADY

Observational Scanning

As the comprehensive survey during the first scanning process showed, marital customs and norms incline to vary throughout the region, providing the research study with a rich spectrum of enormous cultural differences and variation in each designated province. A case in point is

Babol Abad (Khoy), where a common cultural practise is running away from home to get marry. I almost all cases the girls ran away from home with her partner. The couple then returned to their respective village as husband and wife. These “runaway marriages” have become so wide spread and popular that it has eclipsed and transcended into an acceptable norm. This custom was equally prevalent in other villages and cities albeit with slight differences in details. In some regions that held the same religious beliefs (Sunni or Shiite Islam) as observed in the Zangaln village (Urumiye), marriages were uncommon between the people from these two tribes.

In contrast to other villages such as the Torkan village (Urumiyeh) the same religious beliefs did not pose an issue that would thwart marriage. In contrasts in Torkan what was observed were the high levels of exchanging women and runaways. In these cases prominent community leaders, religious leaders or clerics would assume the role of an intermediary or an arbitrator to settle the conflicts and in some cases to avoid potential honour killings.



FIGURE 19 BILVAR (KHOY) VILLAGE HAS HIGH RATE OF ECM IN THE PROVINCE-PHOTO BY: KAMEEL

In all provinces, the marriage age was consistently low, ranging from early childhood to teenage years. In Mozaffar Abad village (Miandoab) the average marriage age was 9 but in 2015 there was the case of a seven year old girl who was married. In Bilvar (Khoy) for example, very young children were hastily married off and very often in response to the rising use of information technology communication. Parents often resorted to blocking the use of cell phones and social networks to limit its influence on children's private communications.

Social pressure for early marriages was the most common reason for parents not allowing their young children remain single. As consistently observed, ECM remains a deeply rooted tradition in certain Iranian communities, perpetuated by poverty, a lack of education and economic opportunities, and social customs that limit the rights of women and girls and limit their autonomy to make decisions. ECM thrives within the context of the low value assigned to girls in society. In the West Azerbaijan province the social concerns and community pressures were the driving forces behind ECM's sustainability.

As relentlessly observed as well, girls drop out of school in the preparatory time before marriage or shortly afterwards. West Azerbaijan province proved no exception to this fact. Education is simply not viewed as beneficial to girls because schools are inaccessible or expensive. In reality the preponderate justification is that parents do not see the value of education for their daughters as it is not viewed as a relevant entity to their lives. With few available alternatives, parents are more inclined to marry their daughters early. This creates a dual effect: the decision by a girl's parents to marry early is likely to be a determinative function of the girl's education potential: a girl who has a lower education prospects faces lower expected losses in future earnings and therefore she has less incentive to continue to study as compared to girls who are academically stronger.

“My father found me a husband when I was 13 and I had my first child at 14. I have no clue about my dowry! My father never sent me to school. Given that I got married at 13 and I had nothing but sickness during the beginning of my marriage and also I don't see early marriage appropriate, but I still want my daughter to get married at 15, so that she wouldn't get involved in emotional relationships and others wouldn't abuse her.

Shahin, 27

Pir Ali Village, Orumie, West Azerbaijan

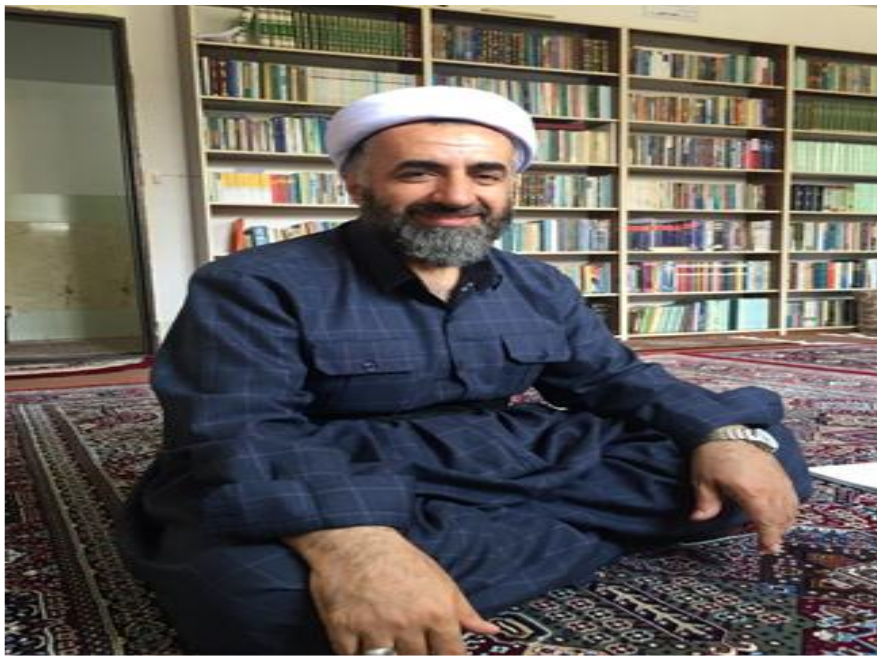
The young girls ECM in the West Azerbaijan province translates into the end of their formal education. After marriage, young girls' access to formal and even informal education is even more severely limited because of domestic burdens, childbearing and social norms that view marriage and education as incompatible.³⁵⁵ The average level of attained education in West Azerbaijan province was on the primary level of fifth grade. Learnt household skills overshadow formal education.



FIGURE 20 THE PROVINCE HAS MIXTURE KURDISH AND TURKISH PEOPLE-PHOTO BY: KAMEEL AHMADY

³⁵⁵ Mathur, S., M. Greene and A. Malhotra (2003). Too Young to Wed: The Lives, Rights and Health of Young Married Girls. ICRW: Washington D.C.

In most cases the reason put forth was that it was accepted and adhered to by males. It is usually the father, brother, or other male heads of the family who view education as a social deviation and therefore a threat to a girls' chastity. Bafflingly, the young mother, herself an ECM survivor perpetuates and carries on the legacy by not allowing her daughter to attain an education and to make decisions on her own. The mother's role in ECM must be acknowledged. Undoubtedly, it is perplexing why a mother would support ECM. As she experienced first-hand being handed over to another man, the shutdown of educational opportunities and the familial pressure to rapidly start producing children whilst still a child, it is difficult to comprehend why a mother would even submit her own female child to the very same process that she has been subjected to and remains with her for life. The answers are tenacious and complex and have implications far beyond its covert complexities. One major common reason is that women are excluded from decisions affecting their own lives, their sexual health and their well-being. They exist in a society that defines a woman's place within the confines of the home. Many of these women assent to ECM because of an absence of other viable options. ECM is all they know. Child brides have little say in when or to whom they will marry, have little influence on their husbands and in-laws, have little opportunity to develop awareness of their rights, and are in no position to claim or demand them.



I don't refer to religious books and leanings for this interview. Obvious to see that Islam encourages the youth to marry when young, and emphasises the parents to ease conditions of marriage. My personal opinion is that regarding the harmful consequences of early marriage, according to the situation that now a days the world we live in, early marriages imposes physical, sexual and emotional harms to the child, though personally I believe the right age for marriage is above 18. However marriage at very early ages is inevitable only when it's a case of emergency and seems like the only solution.

I always reiterate to my sons (I don't have a daughter), that go and experience love. Love is beautiful. It's humane. But beware not to misuse it in your relationships, not to cross the boundaries, because it harms the girl mentally and causes cultural and conventional consequences.

Mulla Hasan Vaazhi, Imam of Ashareh and Bashareh mosque
Piranshahr, West Azerbaijan province

Additionally, in part, the strength of ECM relies on Iranian women's acceptance that ECM is simply the way things are for all women in the world as she knows it. It is just a normal occurrence that happens to every female. Many of the women have been weaned on simply seeing ECM as a matter of routine in the name of tradition. Thus women who marry as children mechanically agree to their husbands' demands as ECM is an aspirational norm.

The research study demonstrated that a lack of access to or availability of sexual and reproductive health services hampers ECM eradication. Some villages such as Darin Ghale (Urumiyeh) did not have easy access to any health clinics forcing the respondents to travel to nearby cities. On the contrary in some other villages such as Darre Ghasemloo (Urumiyeh), the presence of the health clinic resulted in an optimistic wave of awareness. For instance, by providing people with free contraceptive tools such as condoms, pills, and also educational leaflets, the women in this village seen to have a higher level of maternity rates and displayed an overall advanced health knowledge. Consequently there were higher educational facilities for children which lends itself the conclusion that education was deemed as essential. Equally, the number of children and childbirth ratio was reduced in the village, owing to claims of reproductive progress and development. The presence of strong infra structures, programmes and health supports as well as access to health care systems that address ECM can have a positive impact in providing people with basic information on sexual infectious diseases and illnesses, and gynaecological, obstetrical and maternity related problems. There is a need for these services to be affordable, assessable, sensitive and appropriate. This is of utmost importance.

Survey Results

Marriages under the age of 18 in West Azerbaijan province, with noticeable differences between genders have been declining. Girls marrying under 18 are in profoundly higher numbers than boys. The following diagram shows that with both genders the province has been experiencing a slow decline visible throughout the past ten years.

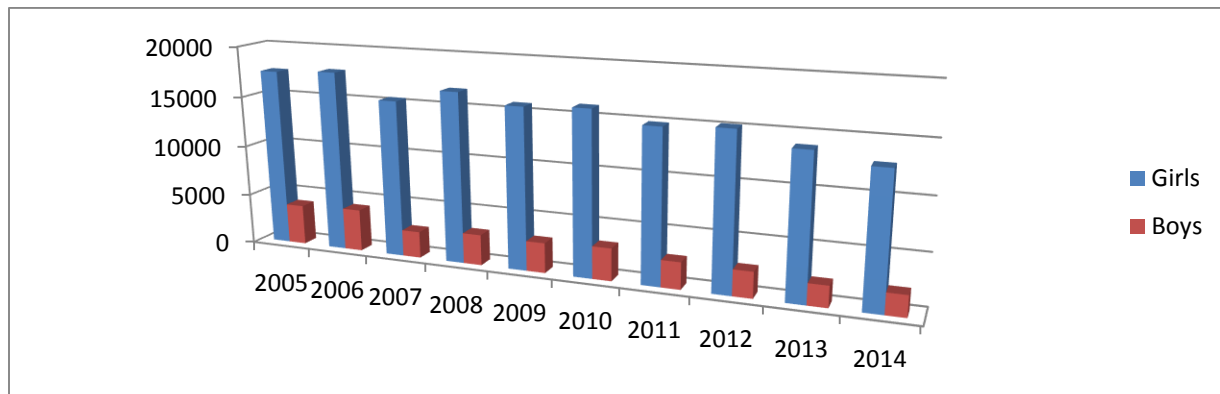


Diagram 35. Marriage under the age of 18 in West Azerbaijan province

As per the following diagram, the divorce rates are increasing on a yearly basis for both genders but the increase in levels are higher for girls under the age of 18 in comparison to boys. This means that each year the numbers of child divorcees/widows are augmenting particularly when a very young girls is married to a significantly older man. Due to divorce's stigma and the position of women in the community, broken marriages leave many girls living alone and raising children with no support.

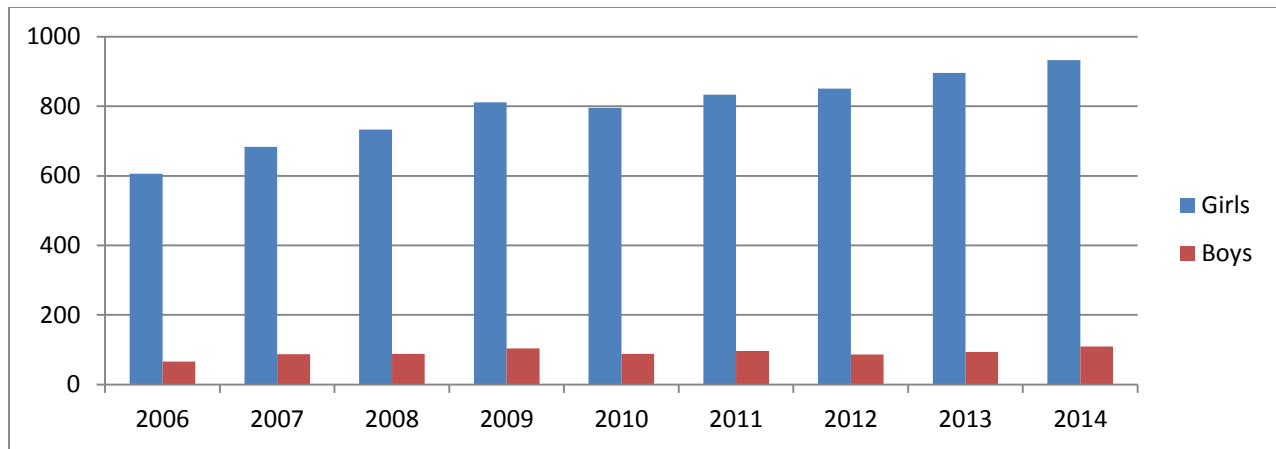


Diagram 36. Divorce frequency less than 18 years of age in West Azerbaijan province

Widowhood is one of the most neglected gender and human rights issues within ECM. Child widows are the legacy of ECM. This is particularly acute in rural areas, where traditions, customs and discriminatory interpretations of religious codes often dominate and where there is a glaring lack of protective marriage legislation. The consequences of widowhood include social ostracisation, economic dependency, marginalisation, legal discrimination, political insensitivity and human rights violations. All these consequences are intensified by the fact that they are being faced by young child widows who are extremely vulnerable.³⁵⁶

As per the following diagram, the last decade's ECM ratio in total marriage rates in West Azerbaijan province marriages of under the age of 18 have always been allocated between 30 to 40 % of the aggregate number of marriages.

³⁵⁶ Speech by Ruby Goddard Young Widows: A neglected Gender and Human Rights Issue
www.nawo.org.uk/wp-content

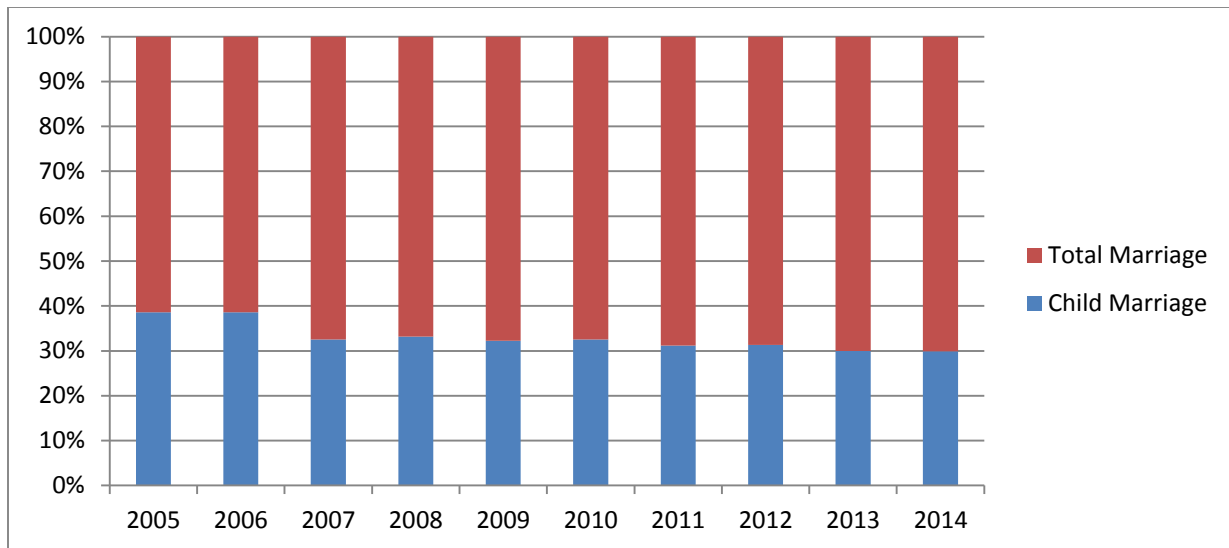


Diagram 37. ECM ratio in West Azerbaijan province

Background

Respondents were mainly in the age bracket of 19 to 25 of which 70 % were females and 30 % were males. 70.8 % of them live with their husband or wife and another 22.9 % live with their partner's family. By virtue of random sampling, it was noted that the respondents represented Kurds (52.1 %) and Turks (47.9 %). The spoken languages are Kurdish (56.3 %) and Turkish (43.8). The respondents' parental education was both low (only 27.1 % of mothers and 35.4 % of fathers were able to read and write). 62.5 % of respondents did housework and child care and the other 10.4 % of them are self-employed. Child labour is mostly centred on farming, carpet waving, and in brick making factories. In ECM girls' lives, at least their first few years, marriages are often defined by household chores and tending to their husbands' and in-laws' needs. None of the respondents were still in school. Respondents cited the

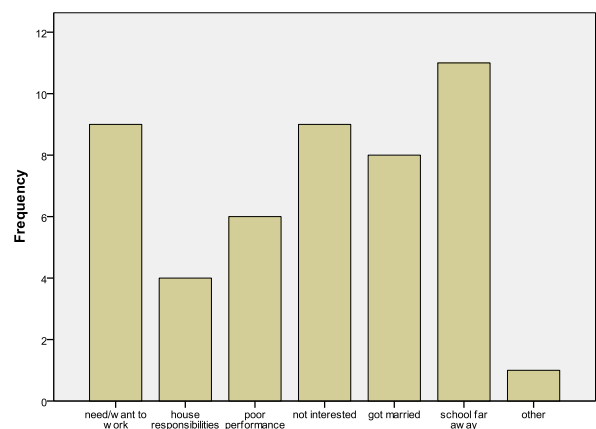


CHART 9. REASON FOR LEAVING SCHOOL IN WEST

inaccessibility or lack of nearby schools as the reason for leaving school and this lack of proximity contributed to discontinuing their studies. The highest levels of education were grade 2 in primary school (12.5 %) and the fifth grade (12.5 %).

Amongst the respondents, those who pray (62.5 %) and fast (77.1%), started practising their religion mostly at the age of 11.

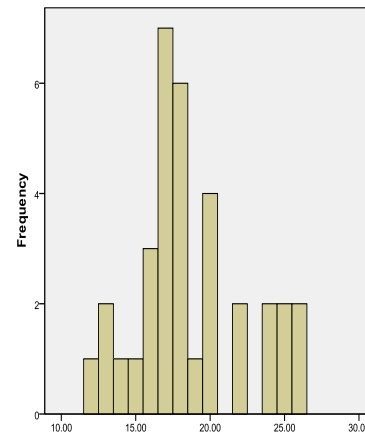


CHART 10. WOMEN'S AGE AT FIRST DELIVERY IN WEST AZERBAIJAN PROVINCE

● Female reproduction

61.8 % of women had had at least 2 deliveries and the majority of them were provided with post maternity care by their husbands' family. The average age was 17 (20.6 %) amongst the mothers. Protracted labour was the most chronic cited obstetrical and gynaecological problem. Their knowledge about women's health and illnesses such as obstetric fistula was on average and in some villages higher than the average.

● Male Reproduction

Most male respondents (74.4 %) had at least 2 children and many of them were 17 when they had their first baby (35.7 %). The majority of the 71.4 % of men wanted to have their baby at the time but 28.6 % opined they would have preferred a child later. Most of them (71.4 %) had no inkling about labour risks and danger indicia in pregnancy. The other 28.6 % believed the gravest health risk

would be excessive bleeding in delivery (21.4 %). More than half (57.1 %) were unaware of general obstetrical delivery problems.

● Marriage and Marital Decisions

All the respondents reported to be present at the marriage whereas 37.5 % reported they were not present in their wedding ceremony and someone else was there on their behalf. 12.5 % of marriages were never been registered. In 62.5 % of cases a matchmaker had arranged the wedding and 79.2 % of the respondents' formal engagements was a familial decision.

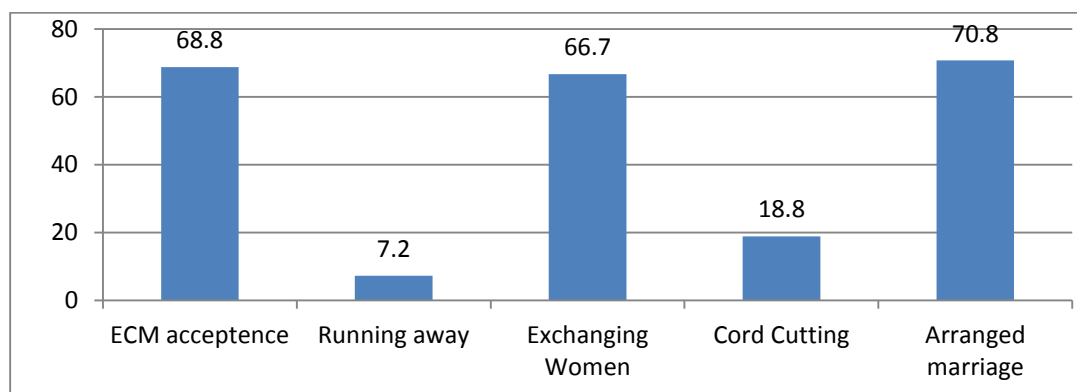


DIAGRAM 38. PREVALENCE OF MARRIAGE FORMS IN WEST AZERBAIJAN PROVINCE

It was revealed that in 75 % of cases, the respondents knew that their marriage was being planned whilst the other 25 % were not informed about the person they were to marry. 18.8 % wanted to annul their marriage with the family's consent but were unable to do so. 41.7 % of the respondents were happy about their marriage when it was planned whereas 52.1 % were indifferent, 4.2 % were sad and 2.1 % felt angry as their desire to continue their school had been abandoned. Only 35.4 % of people wanted their children to get married the same way as they did.

A total of 87.5 % of the marriages included dowry and only 8.3 included “Shirbaha”. For women the age at the engagement was mostly 15 years (27.1 %) and 13 and 14 (both 12.5 %). Most of the girls were married to men who were

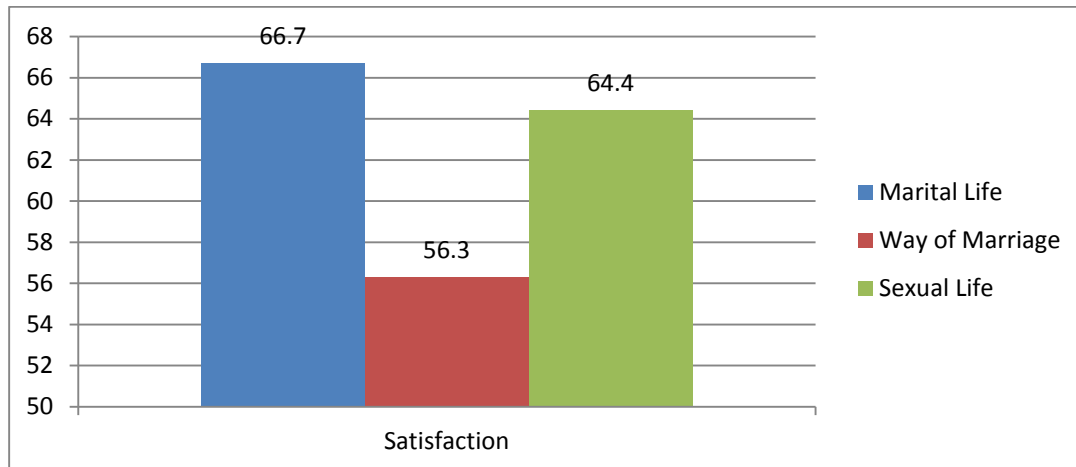


DIAGRAM 39. SATISFACTION WITH MARRIAGE IN WEST AZERBAIJAN PROVINCE

more than 10 years older than themselves (29.4 %). None of the women were in school before the marriage and almost none were promised that they could carry on with their education after the marriage.

● Exposure to sex education and preventive ECM messages

In most cases, sexual education was received by other adult members of family (62.5 %), by satellite channels (16.7 %) and by cinema (8.3 %). The majority of respondents believed that there is no advantage in marrying young. As previously observed in the other provinces, 31.3 % of the respondents had never heard about any preventive ECM messages, 64.6 % of people wanted ECM expunged, 22.9 % believed in its continuum and felt that ECM depends on factors such as body size and family culture. 91.7 % of them did not know the legal marriage age for girls and boys marriage. 16.7 % thought 15 years of age for girls and 20 years for boys are ages too early for marriage. Most voiced that the ideal age of marriage for most people was 20 (25 %).

● Gender attitudes

The research on gender attitudes regarding women and her role in decision making revealed some striking differences. The disadvantage and vulnerability of women frequently has roots during adolescence. This has had a negative impact on their long term decision-making ability. Low educational attainment, with its long-term consequences for employment possibilities, is consolidated by ECM. As preserving the family honour by marrying girls as virgins is central to the tradition of ECM, our findings showed that people in west Azerbaijan strongly prefer a girl to be a virgin at the time of wedding. We can see this attitude in diagram 38 where 85.4% believed in premarital virginity. The respondents gave very limited affirmation on the right of girls to choose her life partner (7%) while 75% believes that males have an absolute right to choose their spouse. Gender assigned roles were evident. As ECM defines a women's place as in the home, and limits their decision making power, women shouldered the burden of all domestic work. 81.3 % respondents were of the opinion that child care is wholly and solely the wives' responsibility. Most viewed minor household decisions can be taken by the wife (47.9%) whereas men have the loudest say in major household decisions. (47.9%). Similarly, diagram 40 reflects that women cannot unilaterally make the decision when they want be pregnant or how many children they want. Pregnancy is seen as a joint decision or only men can decide.

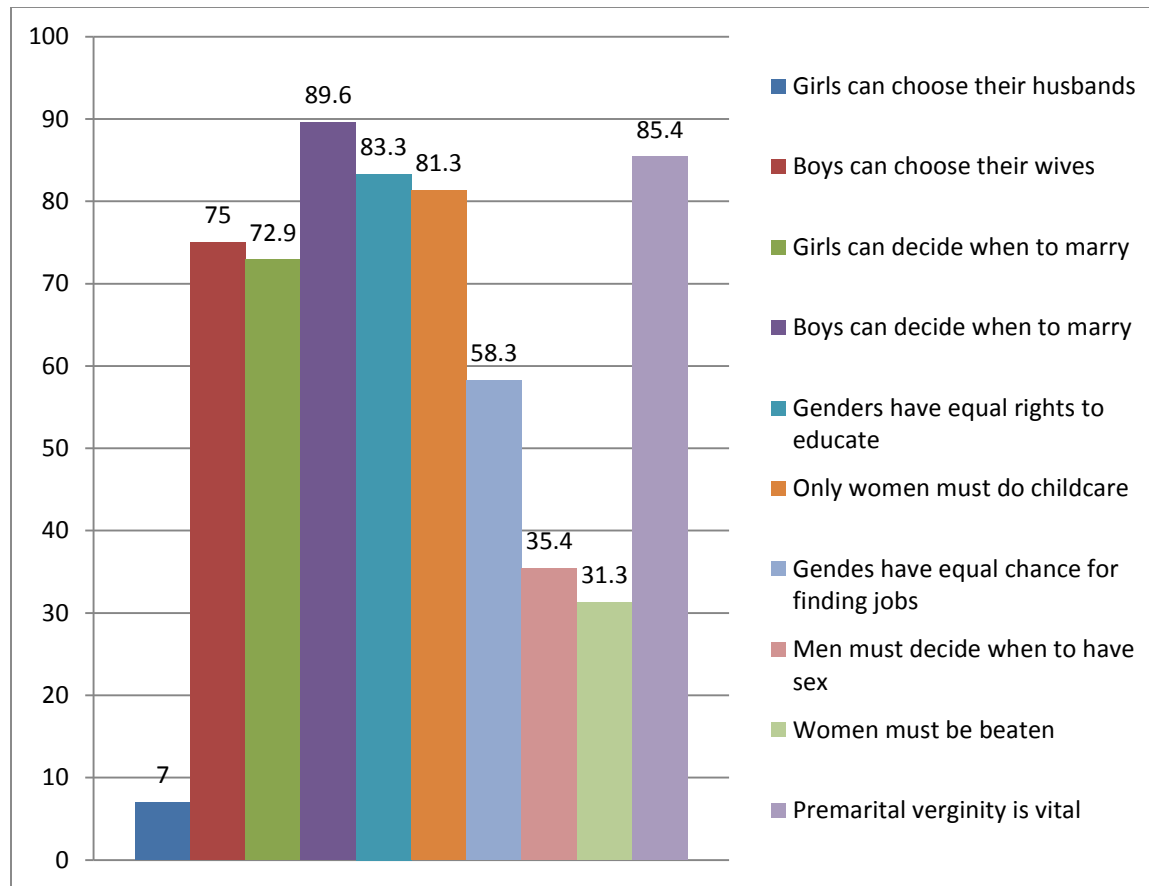


DIAGRAM 40. AGREEMENTS ON GENDER ATTITUDES IN WEST AZERBAIJAN

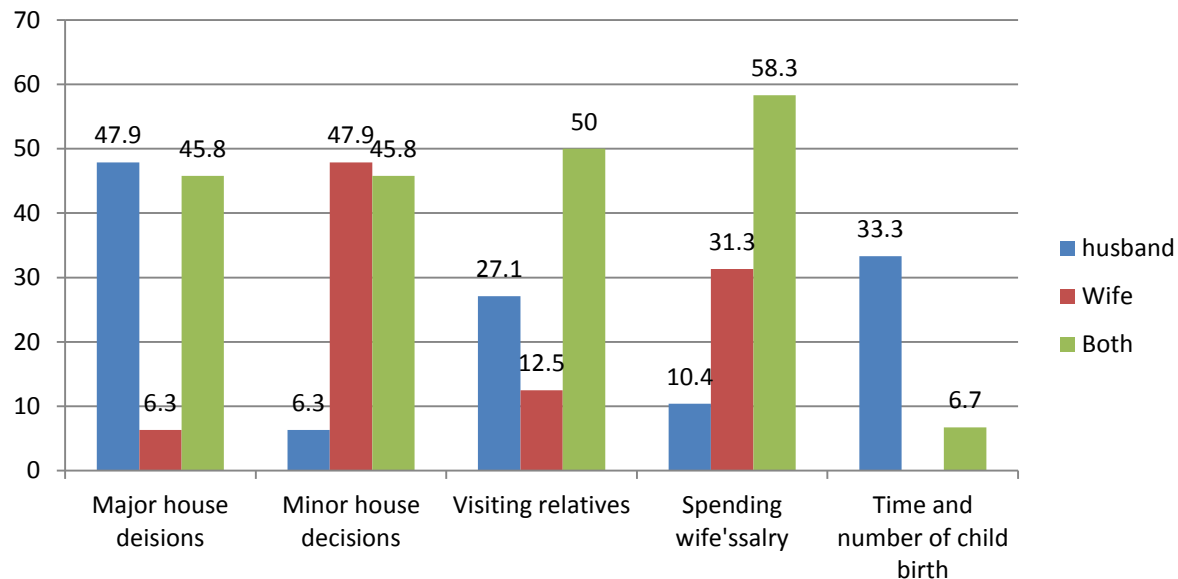


Diagram 41. House decision making in West Azerbaijan province

● Female Sexual violence

Paradoxes and contradictions were rife in the females' responses. Many of the females did not differentiate between being unwillingly touched against ones will and forced sex. 64.3% of husbands forced women to have sex. Whilst all of the female respondents claimed they have never been touched against their will, 5.9 % of them said they have been forced to touch a man and more than half (52.9 %) of the women were forced to have sex with their husbands with no power to negotiate or express their feelings. The feelings about this unwanted forced sex were sadness (26.5 %), hate (20.6 %), anger (5.9 %), and joy (2.9 %). The percentage of women who said they mistreated their husbands and threaten or threw things at them were 64.7 and 44.1 % respectively.

Feeling about Forced Sex



Diagram 42. Feeling about forced sex in West Azerbaijan province

● Male Domestic Violence

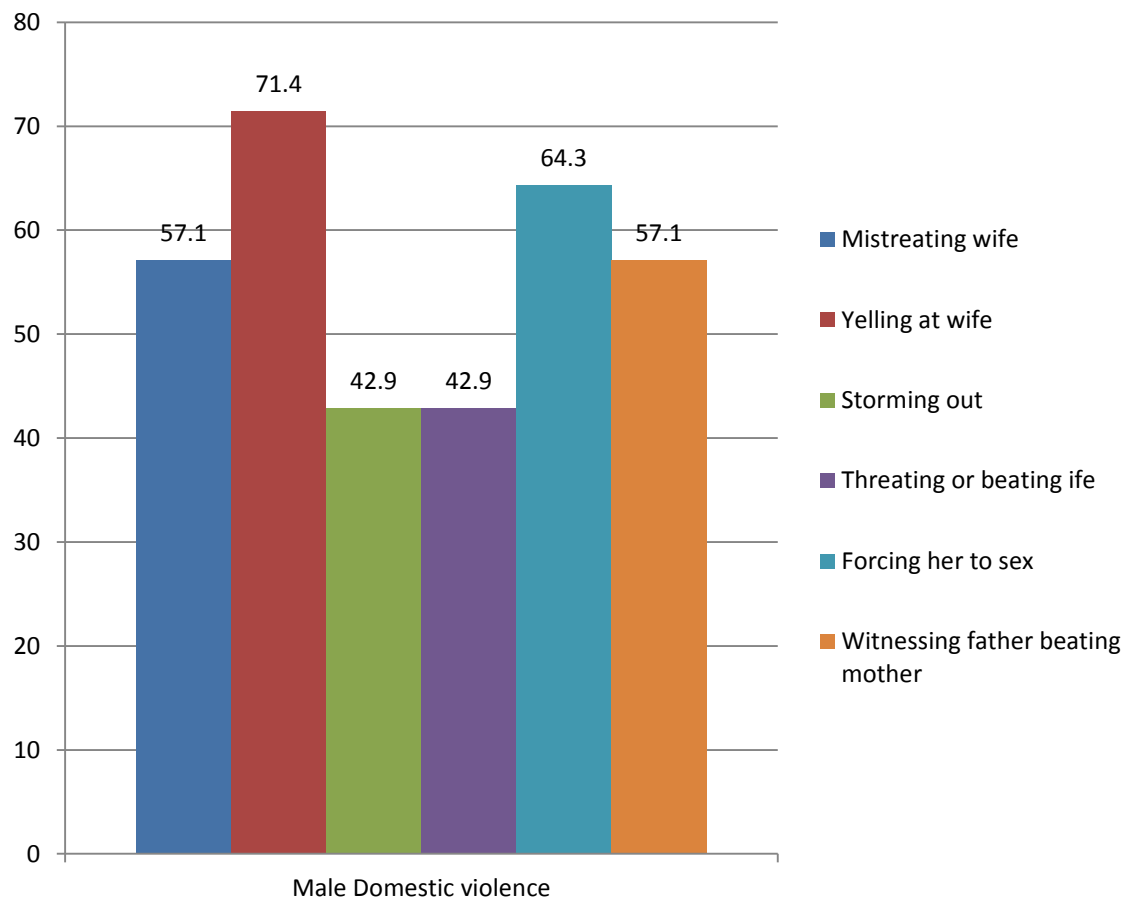


DIAGRAM 43. MALE DOMESTIC VIOLENCE IN WEST AZERBAIJAN PROVINCE

As per the findings, yelling at women occurs on plentiful levels in West Azerbaijan with the ratio of 71.4%. The percentages of other variables in the diagram also expose the various social conditions of women living in the province.

6. HORMOZGAN



Geographical Span of the Research

Hormozgan province is located in the south of Iran bordering the Fars, Kerman, Oman and UAE provinces. The population has 1,676,000 people.³⁵⁷ Fars, Arab and Baluch nationalities are residents in this province. Hormozgan province geographical proximity to Qatar, Dubai, Oman and Yemen has had a cultural and an economical effect. The southern parts of the province and its islands are composed predominantly of Sunni Muslims whereas the northern parts are majority of Shiite Muslims. Hormozgan province holds the third rank in total marriage rates in the age group of '10 to 14' and is one of the most deprived and poorest provinces of Iran with, not unexpectedly, correspondingly high rates of maternal mortality.

³⁵⁷ The National Organization for Civil Registrations, 2014.

<https://www.sabteahval.ir/Upload/Modules/Contents/asset99/salnameh93.pdf>

Observational Scanning

One commonly held belief in the Hormozgan province, similar to commonly held beliefs in other provinces in tropical areas, is that the heat and temperature encourages pubescent development and growth. Girls attain puberty faster and accordingly, are seen physically mature enough to be married at an early age. This hold

true even though age is not considered a determinant factor in marriage. As previously discussed, the Islamic justification for ECM is to marry sooner under these conditions. Contrary to what was observed in the other provinces within the Islamic rules and doctrine, most of the people do not place importance on a high bride price.

But in contrast to this lack of

importance of the bride price, importance is placed on the expenses incurred in the wedding ceremony and providing for the Hejleh room – a room in which the couple stay the first night of their marriage. Large sums of money will be spent on designing and lavishing the Hejleh room. According to custom and social norms,



FIGURE 22 LOCALS FROM HORMOZGAN PROVINCE, HIGHEST RATE OF FGM AND 5TH PROVINCE IN ECM IN IRAN-PHOTO BY: KAMEEL AHMADY



FIGURE 21 HEJLEH ROOM IN QESHAM ISLAND HORMOZGAN PROVINCE-A PHOTO BY: M MAAREFVAND

the couple stays in the room for 40 days after the marriage. So ironclad is this tradition that in some parts of the province, leaving the Hejleh room is frowned upon and is considered to be socially rude and unacceptable. In order that they can stay in there for the entire period of 40 days, the couple's needs, including food and clothing, are provided

"I am a clergy woman and the daughter of a cleric, teaching Quran and religious education here. Quran rules counts early marriage as religiously recommended. From cultural and conventional point of view I believe that girls and boys are like cotton and the fire; must be kept extremely apart from each other. Quench these flames of sin and lost as immediate as you can by early marriage.

*Molavi Amene Rastegar
Jask, Hormozgan province*

Although the custom of providing dowry is a familial agreement with the groom or his family providing the dowry, the bride's family contributes by providing some of the goods.

Survey Results

Compatible to the data from other provinces, Hormozgan province is also experiencing a declining trend in ECM's prevalence. Still the gender differences are very noticeably high. As per the diagram that shows the last decade's changes in marriage rates, ECM's prevalence in Hormozgan province has started to progressively decrease within the last years. In contrast, divorce rates are increasing in the province. Girls under the age of 18 are becoming young divorcee/widows and these rates are increasing yearly.

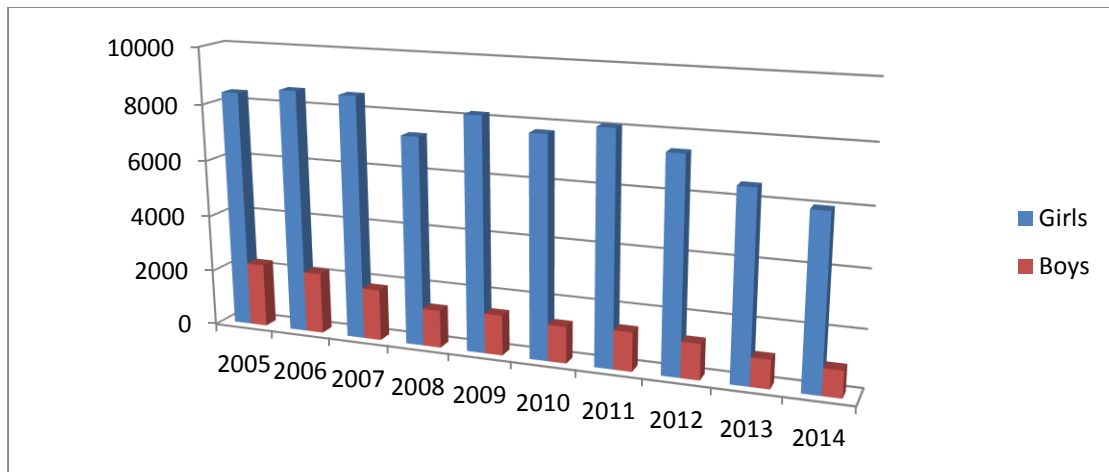


DIAGRAM 44. MARRIAGE UNDER THE AGE OF 18 IN HORMOZGAN PROVINCE

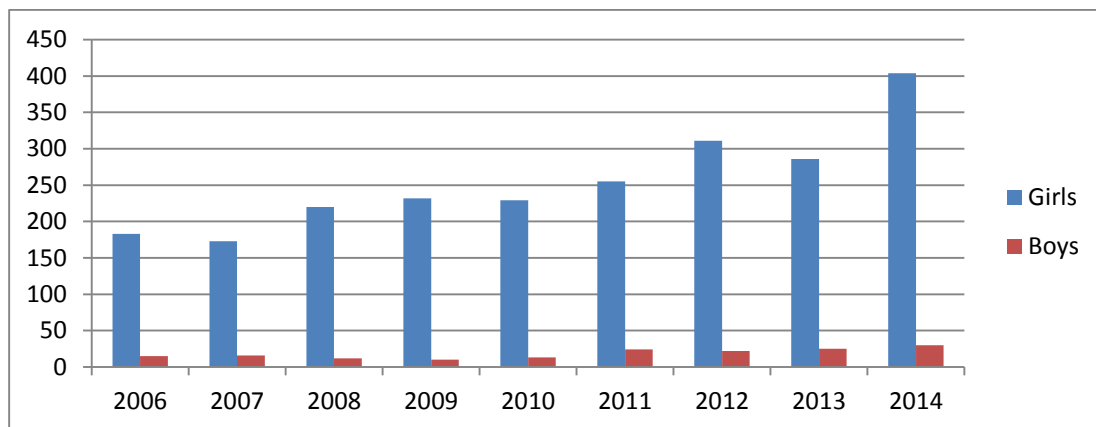


DIAGRAM 45. DIVORCE FREQUENCY UNDER 18 YEARS OF AGE IN HORMOZGAN PROVINCE

The following diagram shows the last decade's ECM ratio within the context of the total number of marriages. As per the data provided in the diagram, marriages under the age of 18 have never been less than 30 % in the Hormozgan province. The trend is declining but *albeit* at a slower pace.

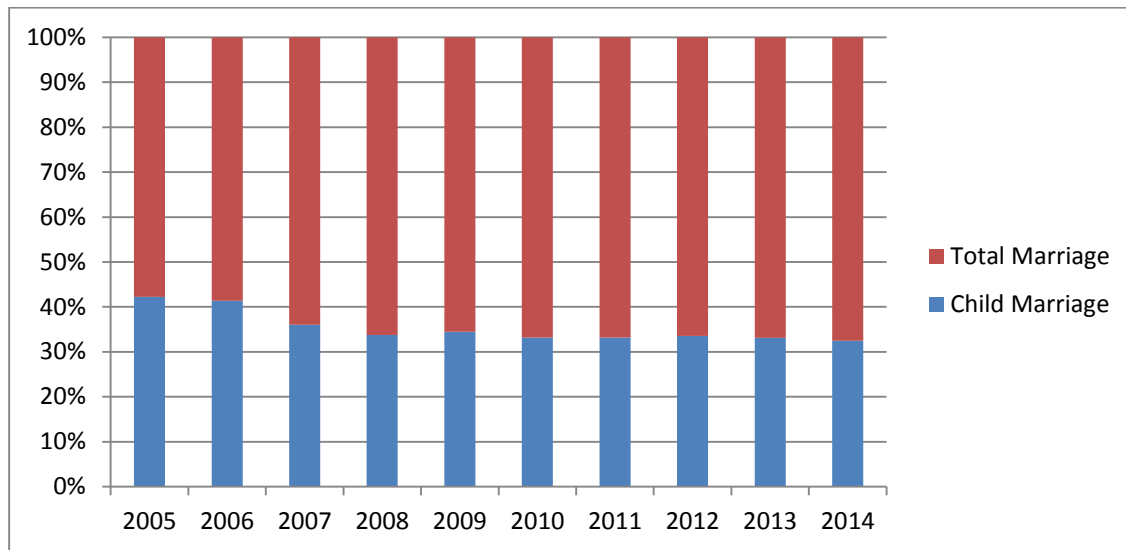


DIAGRAM 46. ECM RATIO IN HORMOZGAN PROVINCE

Background

Respondents were for the most part, between the ages of 26 to 29 (21.6 and 11.8 %) in which 82.4 % were females and 17.6 % were males. The post-marriage living arrangements showed that 35.3 % of the respondents live with their husband or wife

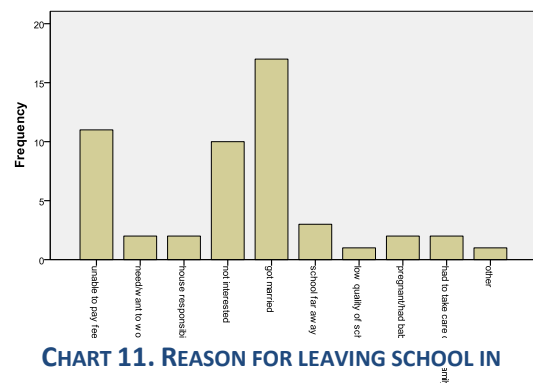


CHART 11. REASON FOR LEAVING SCHOOL IN

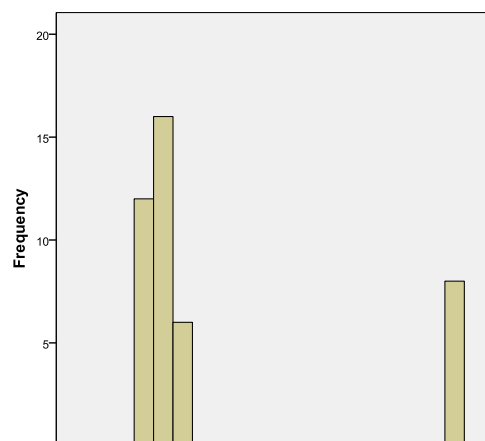


CHART 12. WOMEN'S AGE AT FIRST DELIVERY IN HORMOZGAN PROVINCE

and another 27.5 % live with the family members of his/her partner. Using random sampling methods, respondents were represented of nationalities such as Bandari (51 %) and Far (49 %). The spoken language is Persian (96.1 %). The level of the respondents' parental education was

54.9% for the mother and 35.3 % for the father. All respondents were literate and only 5.9 % of them were still studying. The highest level of education was grade 12 in high school (41.2 %) and the middle school (19.6 %). The most common reason for leaving school was marriage (31.4 %).

Most of the respondents (54.9 %) did the housework and child care and the other 19.6 % of them were self-employed. All respondents were Shiite Muslims, amongst which 80.4 % pray and 47.1 % fast. Most started practising their religion at the average age of 9 years old. (39.2 %).

● Female reproduction

81 % of women had had at least 1 delivery (26.2 %) and for the majority of the respondents their post maternity care was under the auspice of their families (45.2 %) or their husbands' families (26.2 %). The average age was 20 amongst the young mothers (16.7 %). Excessive bleeding was cited as the most chronic problem during labour (28.6 %) and their knowledge about women's health and illnesses such as obstetric fistula and the use of contraceptives and condoms was seen as average.

● Male reproduction

Most of the male respondents (77.8 %) had at least 2 children and at the average age was of 16 when they fathered their first child (33.3 %). A majority of the men (55.6 %) men wanted to have their baby, 22.2 % wanted to postpone having children and a minority of the men (11.1 %) did not want to have baby at all. Most of them (88.9 %) claimed to know about danger signs in pregnant women and 22.2 % believed the highest health risk would be excessive fainting at delivery time.

● Marriage and Marital Decisions

90.2 % of respondents were physically present at the time of the marriage but amongst them 13.7 % of the respondents were not at their wedding ceremony as someone else was present on their behalf. In 39.2 % of the cases the decision to be married had been made by the respondents' family rather than the brides and or spouse. In 70.6 % of the cases a matchmaker had arranged the wedding and 43.1 % of them had a formal engagement planned by their family.

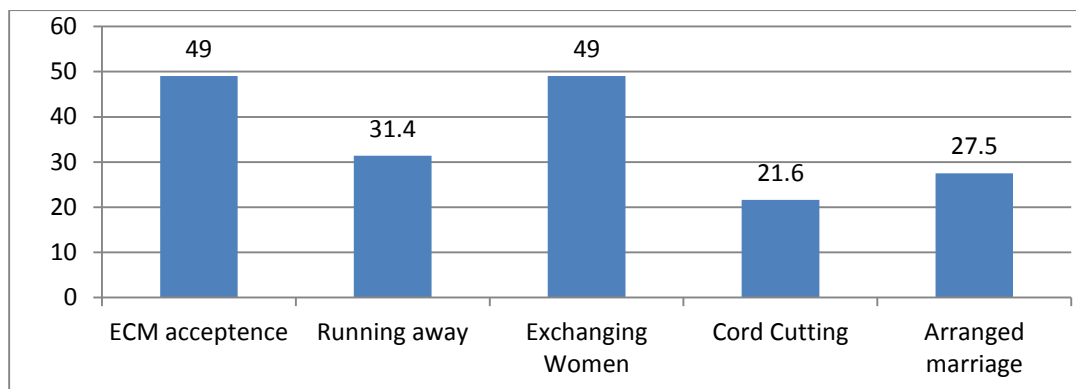


DIAGRAM 47. PREVALENCE OF MARRIAGE FORMS IN HORMOZGAN PROVINCE

The results were similar to the findings seen as in the other provinces. 70.6 % of cases knew about their marriage when it was being planned and 29.4 % of respondents were not informed of who they were about to marry. 51 % stated they were happy about their marriage when it was planned, 19.6 % were indifferent, 19.6 % were sad because of their desire to continue their education had been abated. Adherence to tradition was strong as 56.9 % of people wanted their children to get married in the same fashion.

5.9 % of cases wanted to annul their marriage and did talk to family members but they were unsuccessful. The total of 66.7% of marriages included dowry and 90.2 % included bride price in 39.2 % of cases but unsurprisingly none of it was paid to

the bride. The age at first engagement was on average 18 years (21.6 %) and 19 (19.6 %). Most of them were married to men who were older than them (42.9 %) and most men (55.6 %) were married to women in their age bracket or their same age. 22.2 % of women were in school before marriage and 44.4 % of them were promised to be allowed to continue with their education.

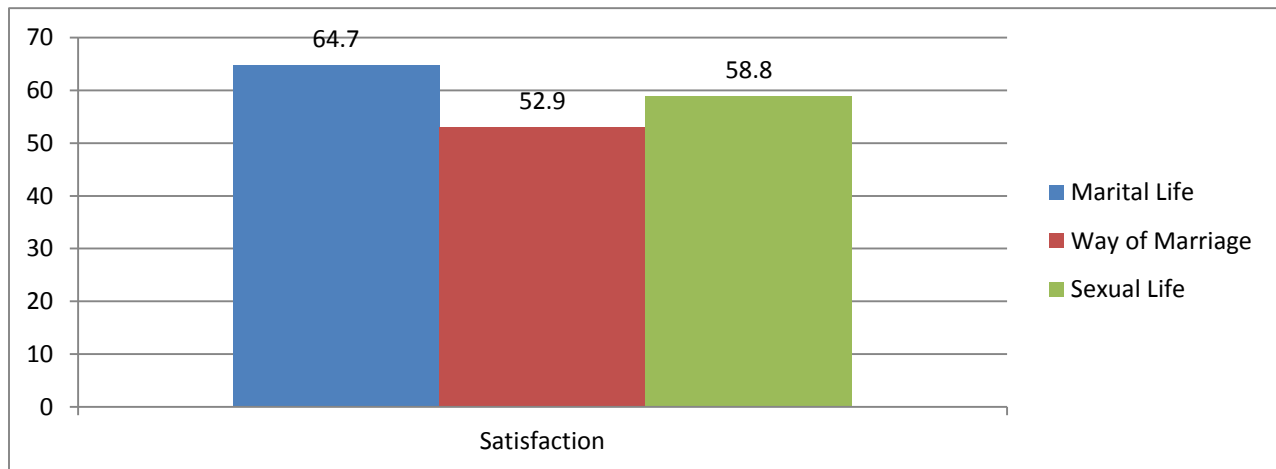


Diagram 48. Satisfaction with marriage in Hormozgan province

● Exposure to sex education and or ECM preventive messages

On the whole, sex education was received by a family counsellor (45.1 %). The majority of respondents (37.3 %) believed that there is no advantage in marrying young whilst another 19.6 % considered it a source of strengthening and bonding familial ties. A total of 39.2 % of cases said later marriage leads to higher levels of education and understanding between couples, and 11.8 % of people named lower teen pregnancy rates as an advantage of late marriage. 51 % of the respondents had heard about preventive ECM campaigns from television, whereas 27.5 % of them had received these messages from neighbours and friends. Nearly 27.5 % of people wanted ECM to stop while 51 % believed its continuum depends on other factors like body size and family culture. 84.3 % of respondents were unaware of the legal marriage age for girls and boys. The majority of 23.5 % of the respondents believed 16 years of age is too early for a girl to get married. In the eyes of many,

respondents thought the minimum age for boys was 20 (25.5 %). 23.5 % expressed 20 as the ideal age that they wanted their children to be married.

• Gender attitudes

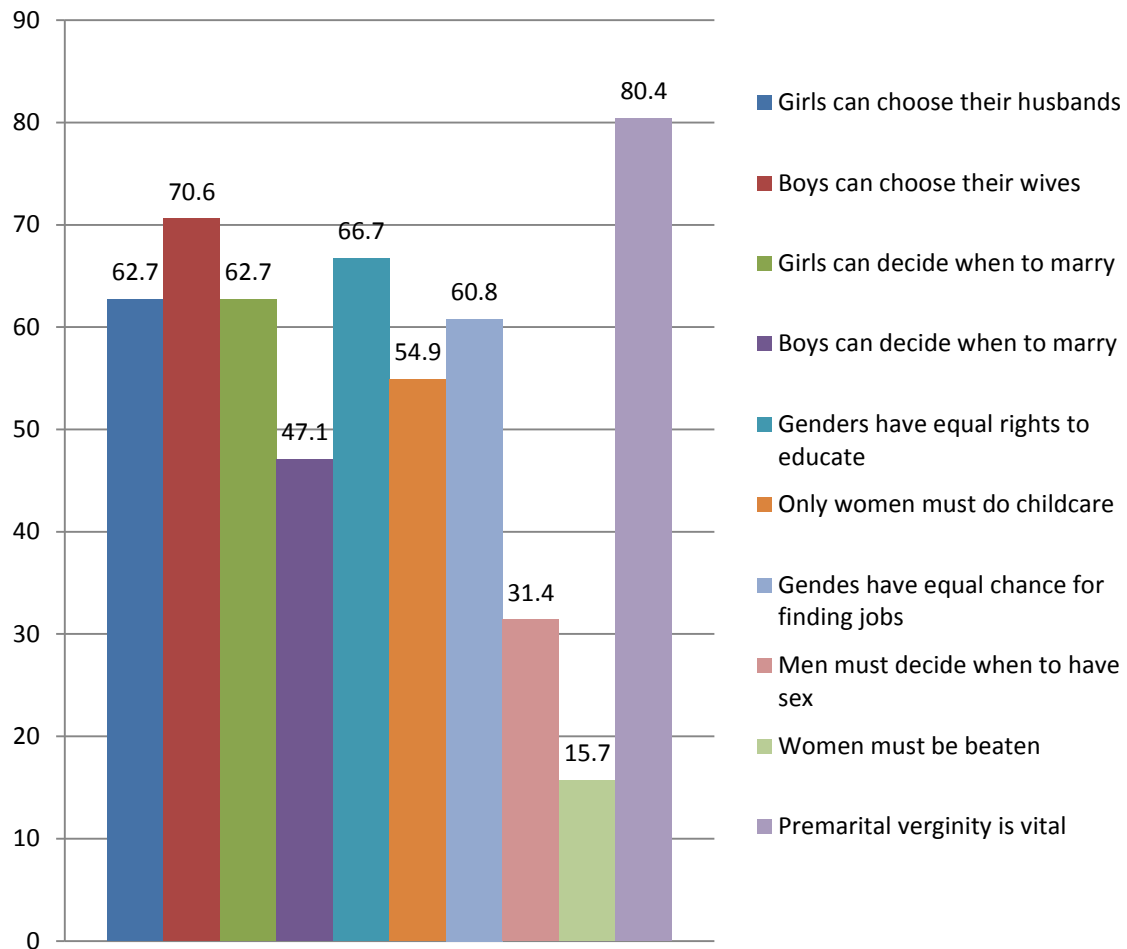


DIAGRAM 49. AGREEMENTS ON GENDER ATTITUDES IN HORMOZGAN PROVINCE

Approximately 80% of the respondents from Hormozgan province were of the opinion that premarital virginity is imperative for a girl. The research survey revealed that many felt boys should have the right to decide about their marriages (70.6%). Nevertheless, they endorsed the idea that a girl can choose her husband and can decide about her marriages (62.7%) Nearly 16% felt that wife beating was also imperative.

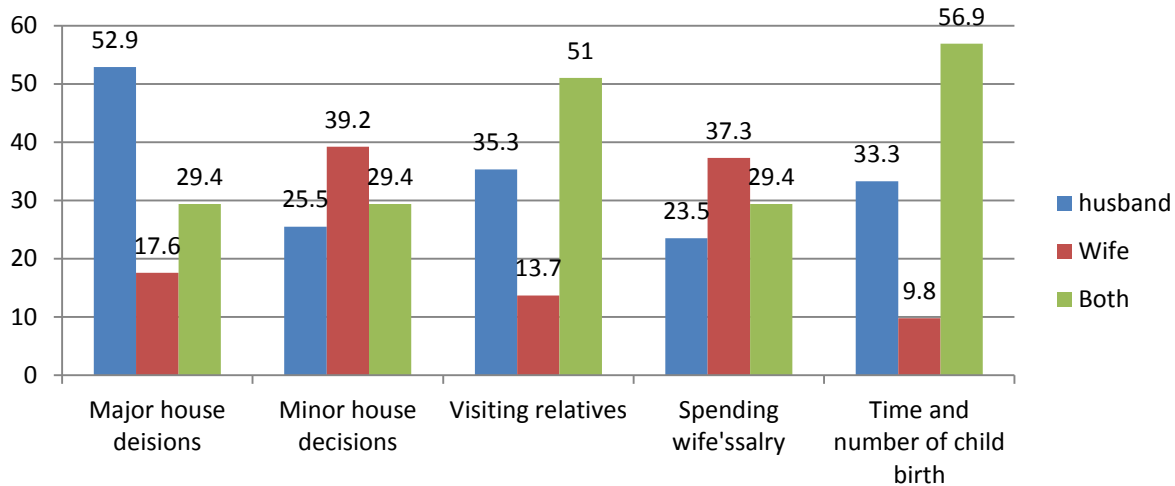


Diagram 50. House decision making in Hormozgan province

As per the diagram 47, decision making about household spending and other deemed minor household issues are either under the control of the wives or both partners. In terms of major decisions, 52.9% husbands have the final say in the matter.

● Female Sexual violence

Most of female respondents (97.2 %) claimed they have never been touched against their will. 30.6 % of women were forced to have sex with their husbands with no power of negotiating their feelings. The feelings about this unwanted forced sex were sadness (16.7 %) and anger (8.3 %). The percentage of mistreating husband, threatening or throwing things at him were 61.1% whilst it was 36.1 % for the feeling of joy.

Feeling about Forced Sex

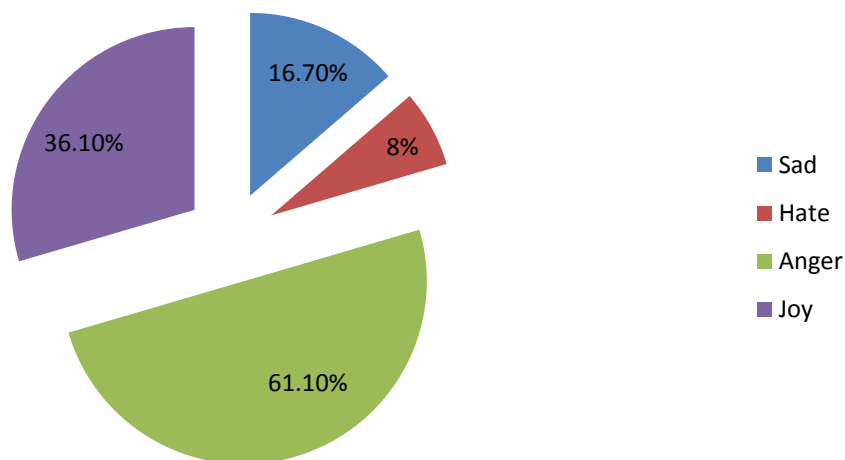


Diagram 51. Feeling about forced sex in Hormozgan

• Male Domestic Violence

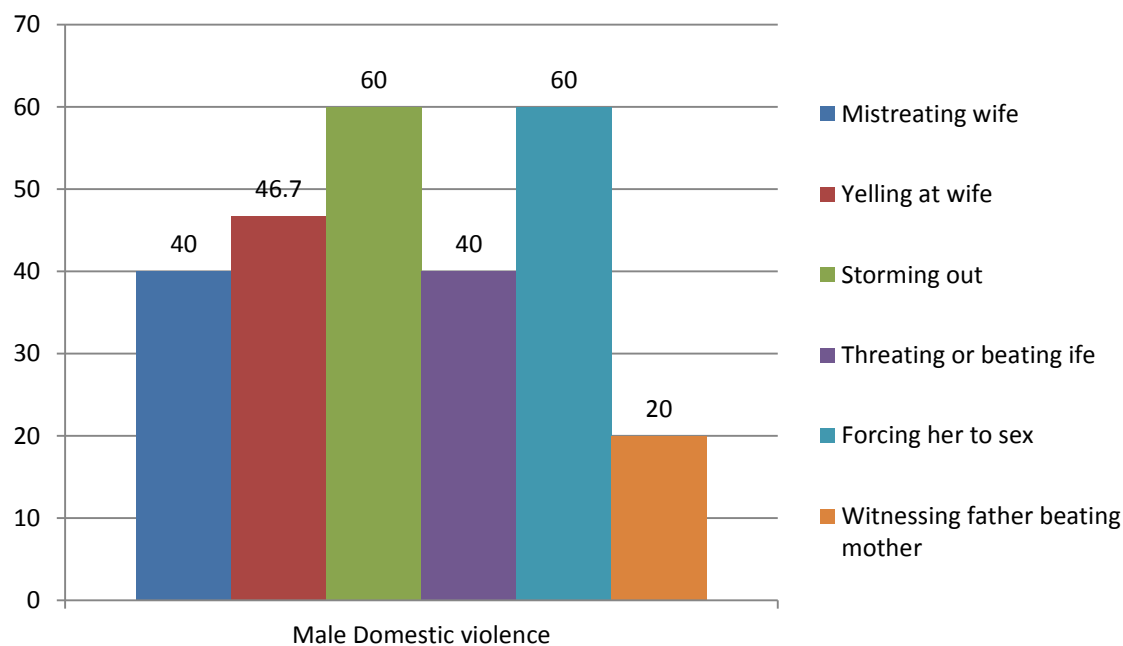


DIAGRAM 52. MALE DOMESTIC VIOLENCE IN HORMOZGAN PROVINCE

7. ISFAHAN



Geographical Span of the Research

The Isfahan province was the last selected province for this research study. The Isfahan province is located in the central part of Iran intersecting all main routes in four directions. This province is surrounded by Semnan, Yazd, Fars, Kohkiluyeh and Boyer-Ahmad, Lorestan and Gilan, with each province acquiring and assimilating the social and cultural traits of its neighbouring provinces especially in towns near the borders. The latest census in 2014 recorded a population of 5,007,000 residents³⁵⁸ and that the dominated nationality and languages are Persian, Farsi and the Isfahani dialect. Many are overwhelmingly Shiite Muslims. The majority of people hold traditional beliefs and this loyalty to tradition is seen in most of the province's social context. Variety of nationalities including Qashghayi Turk, Bkhtiyari Lur and Fars helped shape the distinguished forms of cultures and norms in the province.

Diagram 53, Marriage under the age of 18 in Isfahan province

³⁵⁸ The National Organization for Civil Registrations, 2014.
<https://www.sabteahval.ir/Upload/Modules/Contents/asset99/salnameh93.pdf>

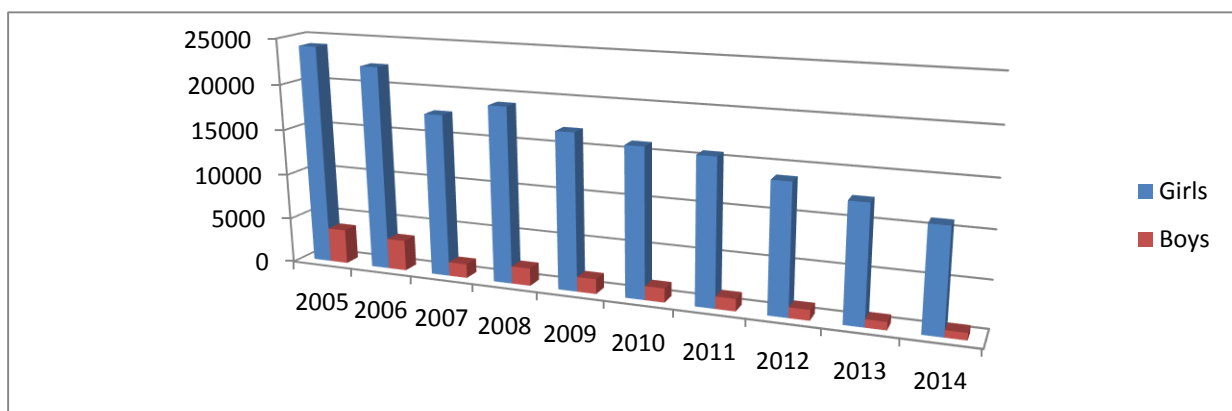
During the Iraqi war in Iran, Isfahan province received an influx of thousands of immigrants who came from the Khuzestan province and other border areas. The plethora of industrial factories proved to be a source of attraction for the jobless and homeless immigrants and Isfahan was a safe locale away from the war zone. This welcoming variety of Arab, Fars, Jewish and Armenian people alone has had a significant role in shaping the province's demographical outlook.



FIGURE 23 FILLING QUESTIONNAIRE INTERVIEWING BAKHTIARI WOMEN-PHOTO BY: KAMEEL AHMADY

Survey Results

The following diagram shows the prevalence of ECM in Isfahan province over a ten year span. As seen in the chart, the rates differ based on gender, meaning that ECM is more problematic for girls than boys. The rates show a yearly decline for both genders. In contrast, divorce rates are also manifested in the last decade's outlook.



Very obviously, the divorce rates do not show a significant increase or decrease. The rates change each year but not at a fixed rate.

Diagram 54. Marriage under the age of 18 in Isfahan province

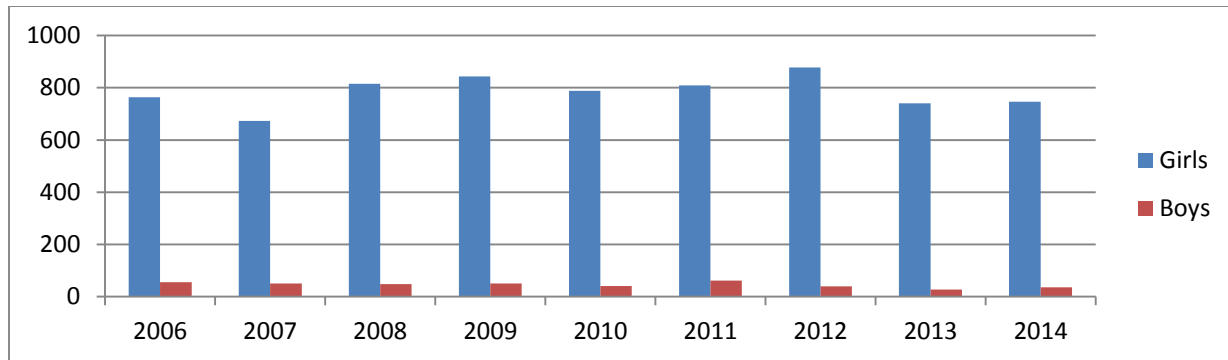


Diagram 55. Divorce frequency less than 18 years of age in Isfahan province

The ECM rates have always been in the variable range of 20 to 40 % of the total number of marriages.

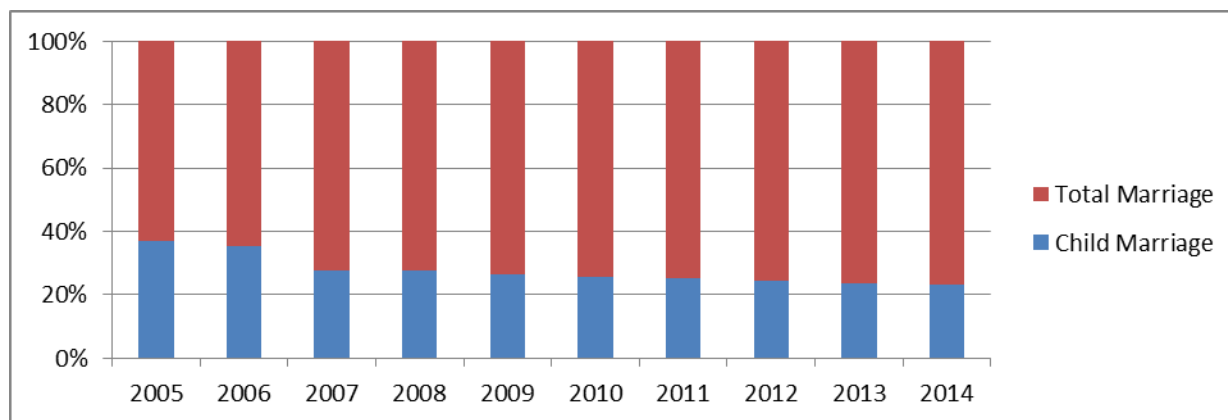


Diagram 56. ECM ratio in Isfahan province

Background

Respondents were between the age range of 25 to 26, of which 84.1 % female and 15.9 % men, chosen by a random sampling method. A total of 97.7 % of them were currently married, while 2.3 % were single. Respondent represented a variety of nationalities such as Fars (90.9 %) and Arab (9.1 %). Practising ones religion commenced at the age of 9 (38.6 %) for the respondents. The findings show that only 2.3 % of the respondents were still in school and the reason for leaving school, in the vast majority of cases was ECM. In 28.6 % of cases, the wives were in school before marriage, but in 57.1 % of cases, the promise to let her continue her studies never took fruition. Only a majority of the respondents were able to finish primary school, and only a meagre 13.6 % found the opportunity to continue until the 8th grade. House work and childcare (54.5 %) and self-employed jobs (25 %) were the primary sources of employment.

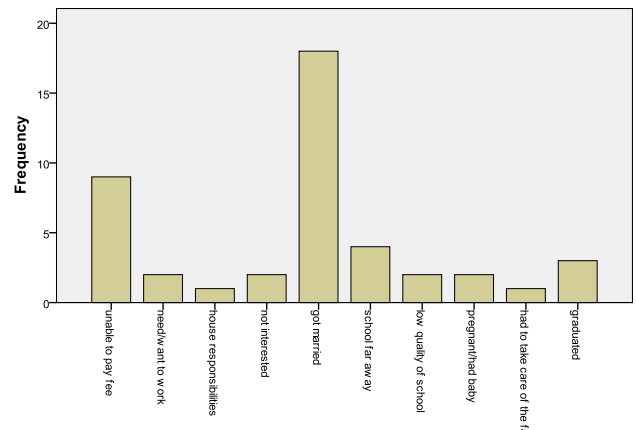


Chart 13. Reason for leaving school in Isfahan province

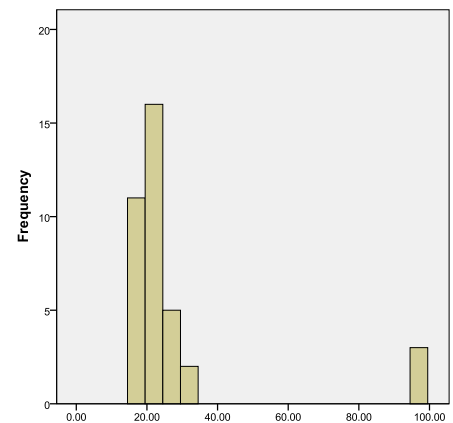


Chart 14. Women's age at first delivery in Isfahan province

● Female reproduction

51.4 % of women, who have had at least one delivery (91.9 %), were taken care of by their own family, mainly their mothers. 37.8 % have had 2 deliveries. 16.2 %

were 18 years old when they had their first born child. 56.8 % wanted a child at that time but 18.9 % did not want to have another baby and 16.2 % wanted to postpone it. 27 % of them reported no major delivery problems. Other 32.4 % claimed to experience excessive bleeding. Although 54.1 % of mothers claimed had used contraceptives, 54.1 % expressed no interest in using condoms. The knowledge about general delivery problems and gender health issues amongst the women was markedly low. A minority (13.5 %) of respondents knew about high temperatures and infections, another 13.5 % knew about fainting, 62.2 % of the respondents knew about obstetric fistula and 35.1 % had experienced it.

● Male Reproduction

71.4 % of male respondents had fathered at least 2 children and 28.6 % of them were 16 years old when their first baby was born. 57.1 % of them wanted to have a baby straight away, 14.3 % wanted to postpone having a child and 14.3 % did not want to have another baby at all. 14.3 % of them did not have any knowledge or clue about delivery or pregnancy dangers and most of them (85.7 %) claimed to know about reproductive danger risks.

● Marriage and marital decisions

88.6 % of the married respondents stated their marriage was registered under their names when they were married. 75 % of the married people had received the aid of a matchmaker who planned their marriage. 56.8 % did not have a formal engagement ceremony planned for them. 84.1 % of married people were aware of their marriage and the other 15 % did not know to who they were marrying. 47.7 % of marriage decisions were made by parents and other family members rather than the bride or groom, and 31.8 % of marriage decisions were made by the

respondent. The feelings about marriage in general were happiness (61.4 %), indifference (22.7 %) and sadness (15.9 %).

The age gap between wife and her husband in 10.8 % of cases was more than ten years, and in 29.7 % of cases less than ten, as 57.1 % of men had wives who were their age.

72.7 % OF MARRIAGES INCLUDED DOWRY AND BRIDE PRICE. MOST OF THE FEMALE RESPONDENTS (52 %), NEVER HAVE RECEIVED THEIR BRIDE PRICE. A MAJORITY OF MARRIED RESPONDENTS (22.7 %) WERE 18 YEARS OLD AT THE TIME OF THEIR ENGAGEMENT.

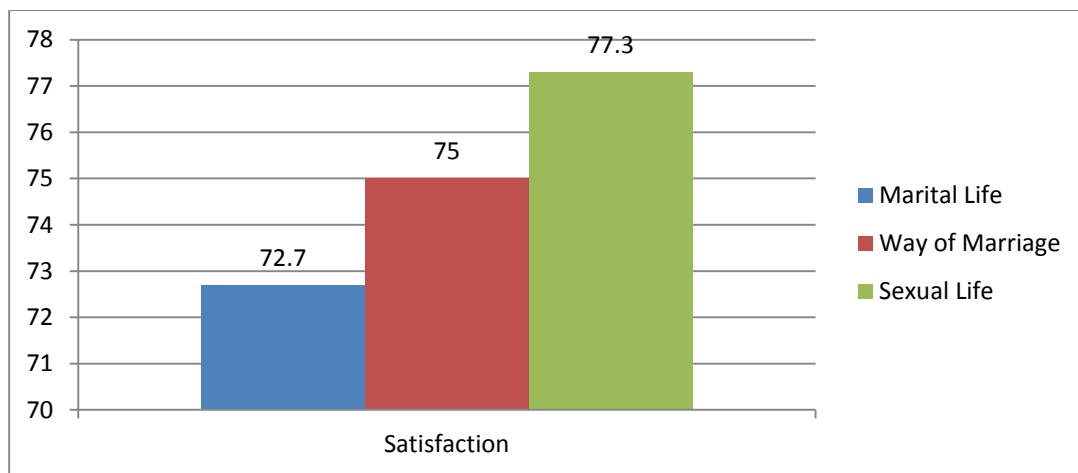


DIAGRAM 57. PREVALENCE OF MARRIAGE FORMS IN ISFAHAN PROVINCE

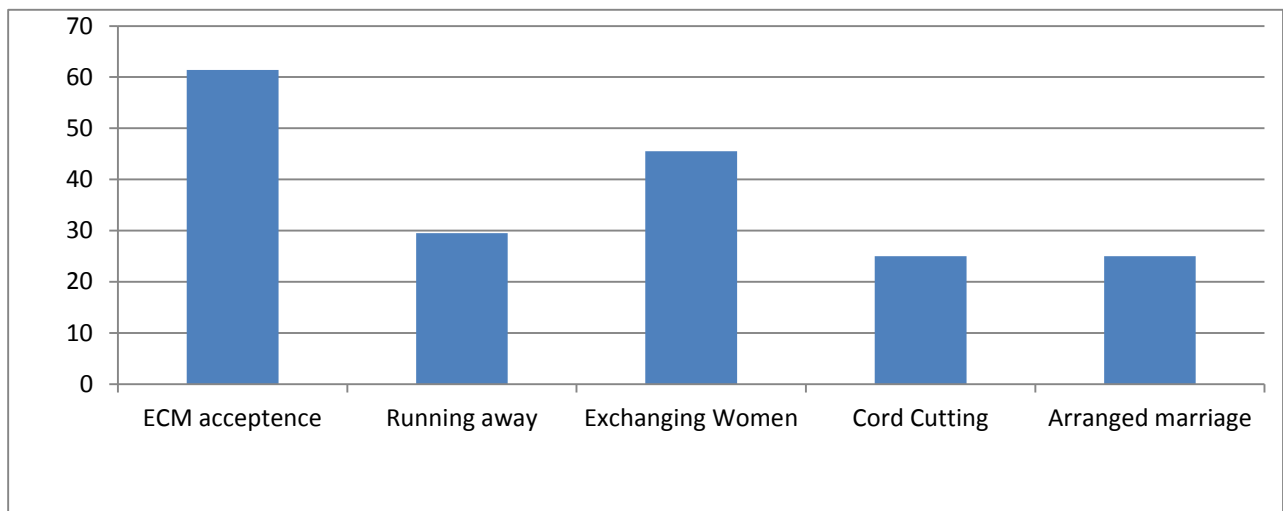
● Exposure to sex education and ECM preventive messages

Sexual education was received by respondents mostly by talking to other family adults such as mothers or sisters (18.2 %) and family counsellors (47.7 %).

Diagram 58. Satisfaction with marriage in Isfahan province

Some respondents (36.4 %) voiced that they saw no advantages in ECM and yet curiously 18.2 % believed that it would strengthen family ties. 40.9 % were exposed to preventive messages by television, 29.5 % had heard of ECM from neighbours and friends and 15.9 % had never heard any messages. In general, 20 % of respondents believed ECM must be stopped, 29.5 % believed ECM must be continued and 50 % said it depends on that person's characteristics, body size and behaviour.

A variety of responses were stated when respondents were asked to state the legal marriage age. Most guessed the legal marriage age as 18 or above and only a small



number (15.9 %) demonstrated a minimal knowledge of law. The majority considered 18 (27.3 %) and 20 (20.5 %) as ages that are too early for girls and

boys to get married and the ideal age for their own children to marry was 25 (27.3 %).

● **Female sexual violence**

A girl in an ECM often struggles to understand her own anatomy and is often forced and expected to have sexual intercourse. 3 % of women reported they were touched by men against their will and 3 % had experienced nearly forced rape. 39.4 % of married women mentioned they were forced to have sex by their husbands and only few of them talked about their ability to discuss and negotiate their lack of sexual interest. In these parochial societies girls are deemed no more than reproductive vessels. Forced sex was considered and believed to be a duty. The most common emotional reaction to this is sadness (30%)

• Gender attitudes

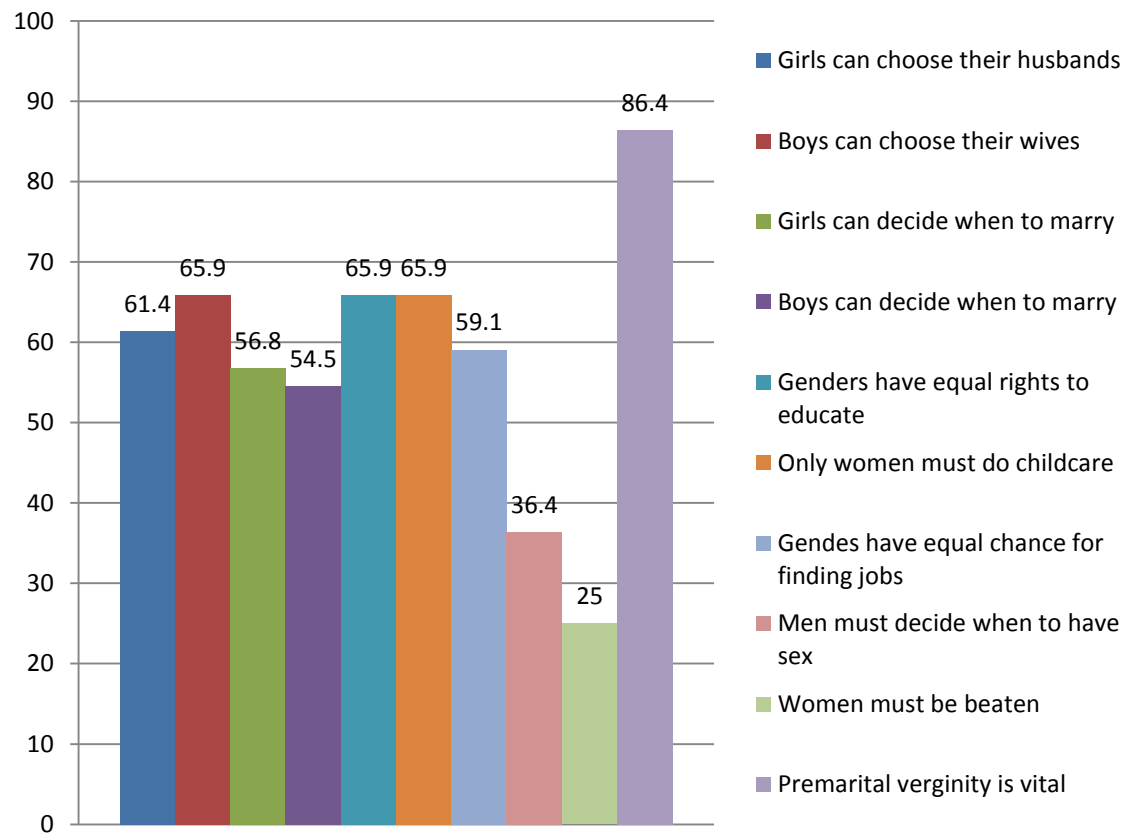


DIAGRAM 59. AGREEMENTS ON GENDER ATTITUDES IN ISFAHAN PROVINCE

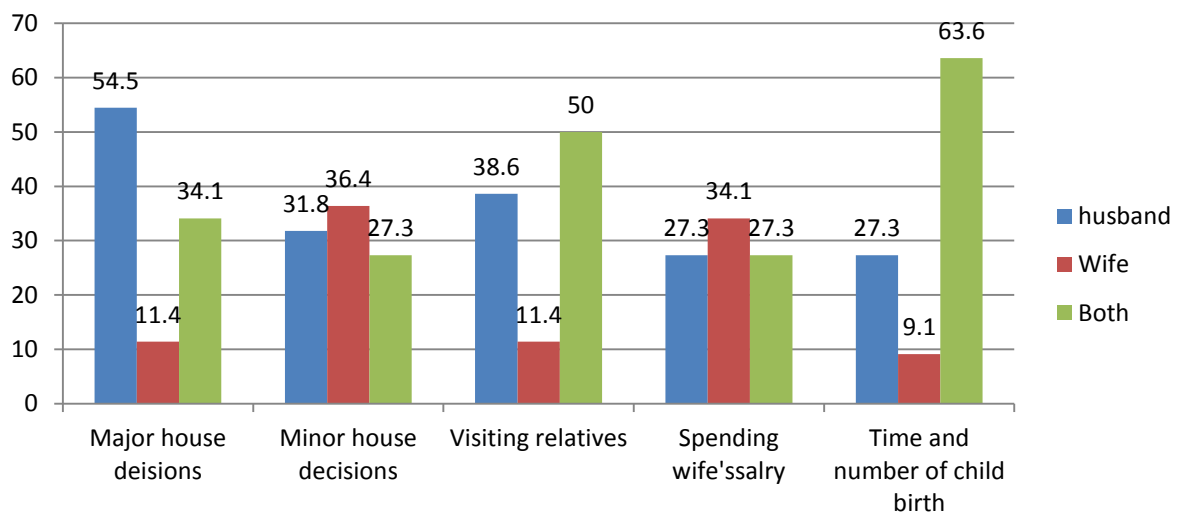


Diagram 60. House decision making in Isfahan province

● Male domestic violence

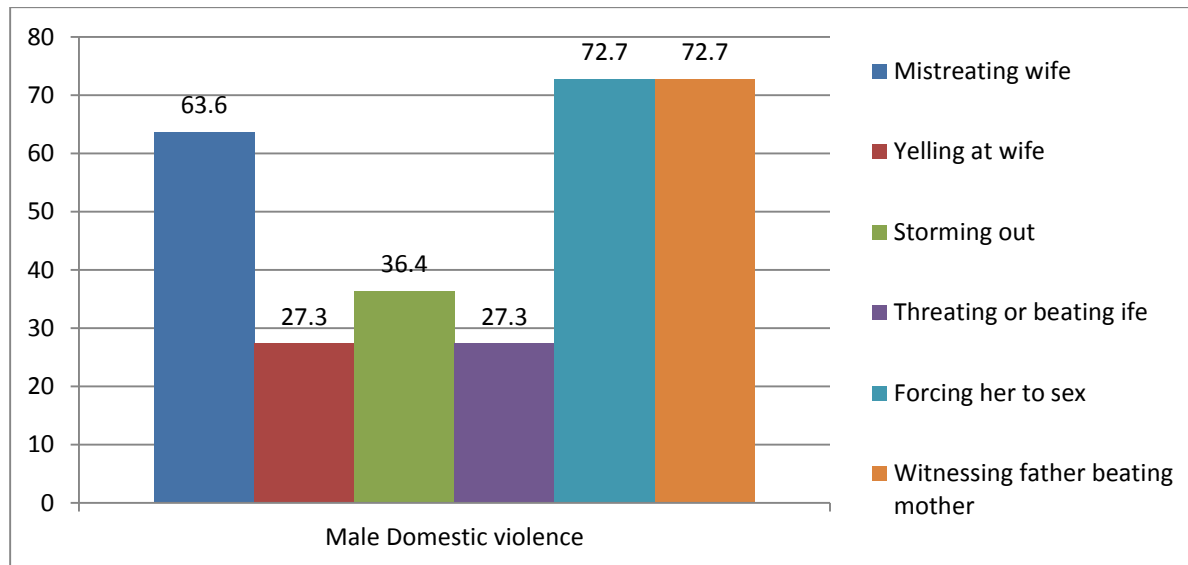


DIAGRAM 61. MALE DOMESTIC VIOLENCE IN ISFAHAN PROVINCE

As male domestic violence is very common across the world, Isfahan province is not an exception. The diagram shows a very high ratio for forced sex of 72.2%. Many of the respondents mentioned that they have witnessed domestic violence at their houses when they were children. Mistreating wives also received a high percentage of 63.6% whilst storming out, yelling at wives, and beating occur at the rate of 36.4%, 27.%, and 27.3% respectively.

CHAPTER 4

CONCLUSION

ECM is bedimmed into numerous and splintered economic, social and political rationales, each so intrinsically malleable that they often blur. Its dominant position in the gender inequality chain continues to thrive against a background of poverty, social expectations, sexual violence, culturally-embedded sexual norms, gender stereotypes, social pressure and family hardships. These panoply of social norms that foster ECM mirrors the ideological and historical contexts of the societies in which it flourishes. Against this milieu, this anachronistic custom appears destined to die the slowest of deaths. Although from an international and human rights perspective ECM is viewed as an illogical and cruel irrationality, within a strong patriarchal narrative, ECM is seemingly logic and rational. Without taken into consideration all the aforementioned social areas, any move towards amelioration and progression would be a waste of resources, time and investment

The international opposition and unanimous condemnation to ECM is irrefutable. ECM is an acknowledged worldwide phenomenon and in recent years the awareness and recognition of child marriages has attracted a great number of scholars' and world leaders' attention, particularly its pernicious detrimental effects on global sustainable development. The implications of ECM goes far beyond young girls' brutal entrapment. This culture norm has had a significant economic social, educational and overall health deleterious ramifications that not only affects forthcoming generations but also obstructs global sustainable development. This has been addressed in many social platforms. A case in point is the 2000 Millennium Development Goals (MDGs). The eight MDGs, ranging from

halving the extreme poverty rates to providing universal primary education has formed a blueprint for all the world's countries and leading development institutions. Building on the 2000 MDGs, the Transforming Our World: The 2030 Agenda for Sustainable Development document was adopted in September 2015 by the United Nations to help eradicate poverty and achieve sustainable development by 2030. Amongst its 17 Sustainable Development Goals (SDGs) and 169 associated targets was Target 5.3, 'Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation', and under Goal 5 'Achieve gender equality and empower all women and girls'.³⁵⁹

However, strikingly missing in the array of ECM discourses and platforms of action, is the deafening silence about ECM in Iran. Iran has remained and continues to remain on the peripheral. Much more needs to be done and much is still unknown, particularly in traditional patriarchal societies such as Iran. What is observable is the dearth of academic studies and research ECM in Iran that can be a reference for governmental policy makers. Regularly collecting and analysing quantitative and qualitative data on child marriage, disaggregated by sex, age, geographical location, socioeconomic status, education level and other key factors are needed to monitor progress. Academic societies, scholars and university researchers are needed to undertake additional in-depth studies and country prevalence to document the nature and preponderance of ECM marriage and its ensuing sexual violence. The research conclusions would facilitate the government, law makers, civil institutions, analysts and policy makers in Iran to identify and combat the issue. This can only be achieved when there is timely up

³⁵⁹ Unrecognised Sexual Abuse and Exploitation of...[www.ecpat.org/wp-content/uploads/legacy/Child Marriage...](http://www.ecpat.org/wp-content/uploads/legacy/Child_Marriage...)
THEMATIC REPORT: Unrecognised Sexual Abuse and Exploitation of Children in Child, Early and Forced Marriage

to date available data accessible to governmental agencies and authorities, who in turn, can make fully informed rational and gender sensitive decisions to prevent and eliminate ECM. It is vital that more empirical research on the topic is undertaken so that the world is cognisant that ECM highly prevalent in Iran

In Iran ECM is viewed as a universally revered social institution. The male dominated power structures that exercises control over sexuality and norms and ECM's emergence as a viable option to oversee any indicia of sexuality in females must be taken into account. The research study showed that ECM fulfils men's sexual, emotional and reproductive needs and that it is necessary for men to have a young girl to take care of household work and parental care. In contrast, ECM for woman alleviates the stigma and shame associated with remaining single, the economic burden of young girls to their parents , satisfies the perceived need for protection and fulfils female's social roles as mothers. Many parents are also typically motivated by predetermined social and sexual norms, poverty and or humanitarian crises that are very often the driving root causes for ECM's mechanical adherence. The practice is not only commonplace in both rural and urban areas, but a daily occurrence ratified by archaic culturally-embedded sexual norms and gender stereotypes. Ironically, whilst overall rates of ECM has decreased in some Iranian societies in comparison to previous generations, the marriage age in some of the larger cities and towns in Iran has noticeably elevated. This in part can be attributed to young people delaying marriage in order to finish their university studies, finding employment, or simply lingering in young adulthood. Giving that modern life invariably involves the interaction of both sexes, young boys and girls are in more contact with one another and many of them have chosen to delay or postpone marriage until later in their life.

Women are the most vulnerable part of the general population; the violence that is carried out against them is an expression of the historically unequal relations between men and women and nowhere is this more evident than the practise of ECM. ECM is both a cause and effect of violence against children with girls unsparingly hard hit. ECM in Iran is heavily influenced and shaped by environmental and economic factors: economic deprivation, financial dependency of women and girls, the institution of dowry, and the lack of education and opportunity all create rational and powerful incentives for child marriage. It is reinforced by social norms that justify and condone male sexual dominance and VAW.

Often these dominant norms and attitudes concerning ECM are influenced by social and material factors. By mitigating the environmental and economic factors (for example, improving education, eliminating poverty etc.) dominant gender negative ideologies can be reshaped to support norms that are prohibitive rather than supportive of ECM. Without taken into consideration all the above mentioned factors any attempts towards amelioration and progression would be a waste of resources, time and investment. It is a small wonder that the demographical or managerial policies by far have not been wholly successful in eradicating ECM as there has been an obviously unfortunate but unintended neglect and lack of attention to local environmental and economic characteristics.

There is a compelling acknowledgement that in reality ECM is a profound human rights violation that undermines the enjoyment of a full range of fundamental rights and liberties to which young girls are entitled. ECM is a rip in the social fabric of human rights. Unless programmes of action are under taken to address early marriage, ECM will continue to be a significant



FIGURE 24 THE MAIN DECISION MAKERS IN SOME RURAL AREAS ARE TRIBAL AND FAMILY LEADERS- PHOTO BY: KAMEEL AHMADY

obstacle and major stumbling block to the achievement of human rights. The wide array of international and regional human rights instruments that address the interconnected facets of ECM marriage from various thematic perspectives reveals that it is often committed by parents with the acquiescence and approval of the community. The state itself carries on not addressing it and/ or giving it short shrift. This demands the necessity of carving out contemporary policies and solutions and acceptance of fundamental human rights norms that reflect gender equality.

Thus the objective of this study is to contribute to unveiling and exposing ECM in Iran. The findings of this comprehensive study that centred on seven main provinces, evinces quite clearly that Iran is a prodigious ECM cesspool. The research study draws on in-depth and detailed evidence regarding ECM practices, the social attitudes, values and norms that shape these practices, and the underlying structural and environmental factors. This study seeks to be part of the worldwide commitment to halt ECM in all its forms and to sustain the debate on

ECM in both its commercial and non-commercial manifestations. The research study has provided a descriptive overview of ECM and its vicious impact by conceptually analysing the reality of young brides who have been forced into marriage. Hence the goal here is to provide government, NGOs, scholars, academics, social activists and those who advocate gender equality and empowerment to women and children in patriarchal societies, with first handed knowledge of what is needed to catalyst new policies and decisions. This study seeks to launch this missing discussion and vital call to action on ECM in Iran by proposing policy recommendations. Moreover, the study seeks to intensify the debate, mobilise action and commitment on a larger platform.

The very first principal to consider was the spirit of the research study. The direction and value of any social research heavily relies on the amount in which it relates to actual issues. FGM and ECM are both securely tied to a duty bound cultural framework within the Iranian society (where FGM also operates) and therefore are basically problem oriented social issues that entail time and effort. Considering that volatile issue-oriented studies in social science is called for, the solutions and recommendations that follow must also reflect the problem oriented nature of ECM.

As the ECM research study is exclusively focused on Iran, the statements and conclusions are drawn from the interviews from each province with coordinating with specific attributions solely targeted at each investigated province. Prescriptions to this harmful phenomenon must be flexible enough to include its nuances and how ECM operates within each specific geographical jurisdiction. Based on the data findings, demarcated and clarified information is now available

for each investigated province. In order to analyse ECM within the ambit of social life, questionnaires were used as an analytical tool to interpret ECM's probable synergy in the following areas: personal background, family size and status, religious beliefs, the level of attachment to ECM, family and parental religious status, respondents' and their parents' educational status, female and male respondents about reproduction, marriage norms, registration, wedding customs, the level of exposure to ECM messages, gender attitudes on family and personal decision making and male and female sexual violence experience. Through such opulent cultural lenses, ECM effects on the above cited social areas provided an analytical basis to justify the sound coherent recommendations for remedial action. Equally, these crucial insights are determinative in highlighting what areas of improvements are needed in each specific province.

The findings of the research study can be summarized in the following analytical model that depicts the relationship amongst the numerous independent variables that trigger ECM. The consequences of ECM as a newly independent variable *against* dependent variables are on the right side of the model. Gender and area of residency (urban and or rural areas) are considered as control variables.

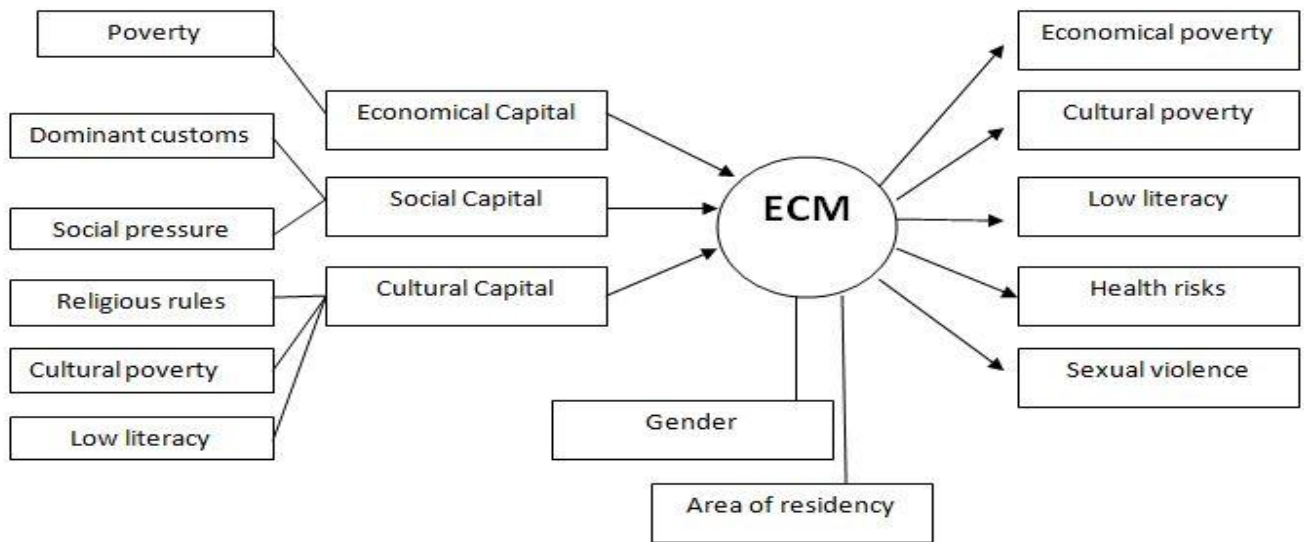


CHART 15. ANALYTICAL MODEL OF THE STUDY

Effective policy programmes to ECM may geographically and culturally vary as the specificities of each province need to be taken into consideration. Policies must be cognisance of regional differences and variations when enacting a core action programme to eradicate ECM. Although the fundamental similarities are the same, a one size fits all programme of action may not simply be feasible. This requires adaptability and flexibility as what may efficiently work in some provinces can exacerbate the phenomenon in others and what is deemed acceptable in one nationality or culture may not hold true in another. For example, the means in which preventive messages about ECM are diffused to the inhabitants may differ depending on the region. This geographical sensitive responses can be seen in provinces such as East Azerbaijan where the geographical climate is conducive and advantageous to engage in agricultural, gardening and beekeeping activities. The rural residents in East Azerbaijan spend more time outside their homes. Consequently, a more efficient tool for diffusing ECM preventive messages would be educating and empowering NGOs or social workers in health centres who can work in the village. Unlike Azerbaijan, in Khuzestan, due to the very hot scorching

climate, working hours are limited to early mornings and late evenings. Most people spend their day inside their homes. On occasions like these, listening to the radio or watching television is a common activity in which people allocate more of their time. ECM's preventive message could be easily and more efficiently transmitted to the populace via media and TV programmes. Television advertisements may be particularly effective. However up to now, there has been no independent television or radio networks that are not state owned. What is seen on television is government sanctioned and approved.

In the poverty stricken areas such as the Sistan and Baluchistan provinces, weak infra structures and the paucity of technological advantages, may necessitate another approach in diffusing ECM messages. These two provinces operate in a highly traditional-religious stable context seen within the provinces. The domination of the imposing power of religion is one important factor that shapes and controls the inhabitants' collective thought process. Considering that religion is a justification given by many practicing ECM communities, religious leaders and authorities play a primary role in upholding the dignity of women in the light of their respective faiths and challenging faith-based motivations for ECM. An indispensable part of the multiple and coordinated responses to ECM is the vital need to include religious leaders. Religious leaders yield great influence and social obedience when diffusing an ECM preventive message to the masses. Poverty and inability to pay educational fees were the more cited recurrent reasons in the Hormozgan province. In East Azerbaijan schools that were geographically remote and hence dauntingly out of reach were a contributing factor that explained why respondents dropped out of school. If a rational programme of action is going to be made, these facts reveal the infra-structure barriers that need to be torn down

in order to make education accessible. Other districts must also be viewed within the prisms of their own geographical characteristics as ECM eradication programmes cannot be prognosticated, prescribed and treated similarly. ECM is a social disease and all diseases cannot be cured and alleviated in the same way. A holistic, comprehensive and coordinated policy must factor the specificities of each respective culture.

Although many of the respondents received no preventive messages concerning ECM from any state protection services or social resources, there was an appreciable percentage of respondents who were exposed to ECM preventive messages by television or other media. Undoubtedly technology and cinema are widely responsible for the evolving attitudinal changes evident in the new generation toward established sexual mores. It can enhance opportunities for intermingling between sexes at school. As television and mobile phones can provide the technological means in which initial contact is made, it is therefore crucial to consider this potential in each geographical location in diffusing an ECM preventive messages.

The discontinuance of the privileges of childhood also encompasses the discontinuance of education. The findings of the research study were overwhelmingly conclusive in this regard. ECM is accompanied by a parallel and interconnected incident of dropping out of school as both are the twin events that mark the exit point in young girl's lives. Many of the respondents never even voiced the value of pursuing girls' education and how it is directly related to the prospect of improving employment and earning opportunities. Low levels of education restrict girls' economic autonomy, thus increasing their vulnerability

and utter dependency. In the case of a girl child, aspirations in the education and professional spheres may be stifled by a predetermined gender roles that sees woman confined to the domestic walls of her home. In such case, investing in girls' education clashes with the economics of poor households. What little resources that are available for a girl's future is invested in paying for wedding expenses and a dowry, rather than furthering education.

ECM'S ACCEPTABILITY

Poverty is an obstruction that operates as a potent aggravating force that drives a parent to have their child seek sanctuary in marriage. When poverty is the determinant factor in family's decision making, ECM translates as a functional economical solution to decrease the family's financial demands and mitigate the poverty. Families find it mutually beneficial for themselves and for females to marry at a tender age, as the girls' needs would no longer be an economic drain on families' meagre resources and would presumably offer the girl a chance for a better life. ECM becomes an escape route from poverty and families own hardships. As explored in Chapter 3, in some cultures, receiving an amount of money in exchange for the child girl is popular.

ECM is seen as a defence mechanism when their society is in the midst of civil strife and or conflict. When conflicts or natural disasters affect a country, it takes its heaviest toll on girls. As recently underscored by the Human Rights Council, political, economic or environmental crises increase children's vulnerability, with evidence showing that the practice of ECM intensifies in the wake of hardships and violence. When humanitarian emergencies disrupt communities, the social fabric and fragile child protection structures, if they exist, break down. This feeling of

uncertainty and safety is what triggers ECM in which parents resort to marrying off their children as a coping mechanism to ensure a certain degree of safety and wellbeing, particularly within the escalating and probable realm of heightened risk of sexual violence. ECM becomes a safeguard and a response to the sense of uncertainty stemming from war and or civil strife. As articulated in the research study, in jurisdictions where civil strife, war or conflict were present, ECM was generally considered as a gateway to a safer/better life for children.

Social stratifications often shaped ECM. In some villages ownership of water is a distinguishing benchmark of success and social stratification. In other places it is cultivating pistachios. What was observed that within villages where the residents are from a higher stratum economic class, the rates of ECM tend to escalate. This economical distinction encourages ECM as a weapon of social stratification. Families tend to prefer their children to marry people who share the same stratification level, in order to maintain the hierarchical order of power and wealth.

The widespread acceptance of marriage through powerful cultural and social transmission mechanisms lends itself to sanctioning the sexual violence, such as spousal rape, verbal and physical abuse, that often takes place within ECM. The power of social forces that are deeply embedded in traditional customs and beliefs tend to overrule formal legal provisions as they are overwhelmingly imposing. Where there is a contradiction between social norms and religious rules, it is the latter that always follows and adapts to the first. In cases of ECM, the social stigma

of losing honour and the fear of ostracisation for not adhering to social norms are the triggering causes of ECM's preponderance.

The sanctity of marriage is upheld by religious beliefs. Religious prescriptions that are highly persuasive often translate into social norms and customary law, resulting in a deeply rooted internalisation of standards that dictate beliefs, attitudes and behaviours.



FIGURE 25 RELIGIOUS SCHOOL WITH OVER 5000 THOUSAND STUDENT IN KHORASAN REZAVI- PHOTO BY KAMEEL AHMADY

As this research study bears out, the inhabitants have the greatest potential of being swayed by religious leaders as witnessed in the Sistan and Bzluchistan provinces where the province top clergy Imam Molana Abdolhamid is eminently respected. For example, many religious leaders ascribe to the belief, similarly held by other religious leaders in tropical provinces, that the hot climate is responsible for early puberty development. This belief has trickled down to the Hormozgan populace who have readily accepted this belief that has now shaped and hardened into another *raison d'être* for ECM.

Highly valued in the Iranian culture is the absolute esteem attribution to the physical state of virginity. The research study unearthed that almost all of the parent respondents who had their daughters married at an early age mentioned virginity as a driving compelling force. Avoiding pre-marital sex was the first advantage of ECM claimed by respondents. In Iran girls are socialised on the sexual norms of virginity and chastity. Islam's stern emphasis on chastity and Islam's general suppression of sexuality has no doubt provided a fertile ground for

the development of ECM. In traditional patriarchal societies where a lack of virginity is deemed taboo, customs around marriage and engagement crystallised to avoid this highly frowned upon taboo from changing. Preserving what is considered to be the honour of their daughters puts pressure on parents who are responsible for defending the status of their family or clan. Marrying girls when they are young is seen as a means to assuage any indicium of improper sexual activity or conduct. In this situation having a young girl at home is an obvious danger threatening pre mentioned taboos, as girls are discern as being at risk of entering premarital sexual relationships. This threat is puissant.

ECM take precedent over girls' right to choose to whom and when they marry. A girl's autonomous decision-making capacity is dwarfed against her own will. The findings of the research study unveiled this lack of choice. An analysis showed that a fairly strong majority of respondents (65.2 per cent) did not choose their marital partner. In 49.5 per cent of cases this decision was made by their family and in the other 15.7 per cent of cases, by relatives and/or acquaintances. Deviating from the norm is rare. As soon as the girl child reaches a certain age, usually pre-pubescent or early teens, she is considered a threat and must be expeditiously married, usually to someone in a higher age bracket. Power imbalance stemming from marked age gaps can be extreme when a teenager or sometimes even a pre-teenager is married to a much older man.

The nexus between ECM and labour contribution is the end result when a girl is handed over by her parents or guardians to another family, and she is exploited in performing domestic and/or manual labour. ECM translates into a source of labour in rural areas by the addition of a new member to the family. The use of the

girl child as next to nothing or free labour emerges in some rural communities, where ECM follows a seasonal cycle that conveniently marches in tune with the agricultural cycle. The extra hand now facilitates the work load in jurisdictions where the primary source of the family's revenue derives from horticultural activities such as farming, livestock or carpet weaving. The research study showed that for many of the young girl their primary work skills centred on house work, child care and agricultural chores.

However, of all the underlying rationales that justify ECM, perhaps none are as preeminent as the seismic force of patriarchal ideology. Patriarchal ideology has sustained ECM throughout the generations in traditional Iranian cultures where early marriage is customary. The convoluted social norms that encourage ECM operate within a patriarchal dominated power structure and is a primordial explanation for increase poverty levels, health risks and negative social and cultural expectations that further embed ECM. Despite the fact that a slim majority of respondents (48 per cent), believed ECM needs to be abolished, many still steadfastly cling to it. This was observed even amongst those who denounce it. For them, ECM's harmful effects are a minute price to pay for adherence to their traditional society norms.

The Iranian patriarchal society is essentially reluctant to undergo major societal changes as conventional traditions are to be obeyed unequivocally. One chief characteristic is adherence to an unwritten hierarchical system of power contribution within the family. The patriarchal community considers it vital to have control and exercise control over its younger generation. This fact legitimates ECMs within the family lineage. After marriage, the young couple live with the

groom's parents in the same house as they both are too young to independently live separately. By providing the young couple with financial support this leads to less independency in marital decisions such as where to live, when to have babies, what work to undertake and how much education. This systematic and predetermined control mechanism is not only placed upon the girl child but also upon the boy child. In most cases parents claimed ECM stops boys from wandering around, staying out at nights and immigrating to other places including the larger towns in Tehran. This control over the younger generation is a means of uniting all family members in one place. This adds another layer to ECM's sustenance.

“All girls think about

getting married at some point and age. Modern mothers are thinking about their children's college. But the past generation in here is always talking about who got married! This is the mother's way of thinking which effects on the family even if the father disagrees. If mother is capable of controlling the atmosphere of the house, she can.

Zahra, 32

*Alavan City's council's wife,
Shoush, Khuzestan province*

REASONS FOR ECM

- In Chapter 1 ECM's widespread acceptance through powerful cultural and social transmission mechanisms that has had a drastic negative impact on the social development and the human rights of girls is scrutinised. Chapter 1 also explored the respondent's attitudes on ECM. Our research study shows that the effects of ECM jeopardises children's safety, development and emotional wellbeing. ECM distorts their identity as children and falsely labels them as adults as they are

brutally and unwillingly pushed into adulthood. In actually, these young girls (and boys) are neither children nor adults because although they are viewed as adults they lack the decision-making power and autonomy of adults because they are effectively still children. Early marriage abruptly sanctions the end of childhood and prematurely ushers young girls into adulthood, depriving them of the necessary physical and physiological trajectories to prepare their bodies, minds and emotions to become mature spouses, caring parents and proactive citizens. ECM cruelly interferes with the natural growth process. By placing children in adulthood roles, ECM affects the present and the future generation in terms of multiple pregnancies, restricted access to education, stilted or none existent income earning opportunities, enforced social seclusion, early widowhood and abandonment. ECM traps survivors in a generational cycle of outdated roles and rules. Their life is stranded in a no-man's-land where they are neither girls nor women.

The acute gender based oppression permeates into the collective thinking process and passes on to the next generation. Our research project also uncovered the power of tradition. Time has made ECM immemorial. The zealous devotion to the tradition of ECM is inextricably and inevitably woven into the everyday fabric of life in Iranian practising ECM societies, just as it has been for hundreds of years. There is almost an adoring vigil blanket of acceptance.

In this context the subjugated role of women must be acknowledged. The constriction of life opportunities for women that blocks their development, and women's forced and learnt acquiescence represents an obstacle to the healthy conditions for raising children as they present an accepted but negative stereotype

of behaviour. ECM becomes a quotidian and permissible occurrence. Evidence indicates that even married women, who were forced into ECM themselves, tend to internalise these established social norms and practices, and echo the male decision makers as they mutely agree to the process of arranging marital unions for their daughters. It is important to note that this internalisation process starts very young and stays with women all their lives as they accede to the demands of their patriarchal society. Their acceptance is due in part to the years of indoctrination of their own inferiority, low social status and lack of negotiation power with their selected husbands. This acceptance and attitude dismally bolsters ECM from one generation to the next generation as it now becomes the internalisation process that conforms women's attitudes, behaviours and personalities' to conform to their patriarchal society. The power of self-restriction turns out to be a culture dominating women by themselves Women, with their lack of educational and social participation opportunities, transfer the same oppressive situation to their daughters. Unable to make potential changes in their children's lives, the victims of ECM, now the survivors, carry on perpetrating the very same impoverished event in the same manner as they experienced it. Forced marriage sanctions the passage of woman's life, from growing up under the authority of her father or brother to now her chosen husband. Their own marriages, distance years away from its tragic beginnings, now gives them a thin veil of respectability. The male dominated power structures controls their way of thinking as many are simply unable to think otherwise.

As outsiders, girl brides are likely to be kept at the periphery of discussions. They mechanically accepted this assigned role without questioning as female confidence and autonomy are destroyed. In cultures where ECM is widespread,

voicing an opinion and asserting individual rights are secondary and not witnessed in patriarchal cultural settings where community norms dictates personal decisions and behaviours, and decision-making processes are guided by the underlying premise of male approved shared values rather than individual life choices. Amongst the more than five hundred interviews conducted during the field work only ONE woman stressed the power of mothers in controlling the family's lifestyle. She was the only woman who felt that women potentially have the power to change their surroundings and take part in decision making that by far have been the responsibility and prerogative of men. Another example was seen with a Kurdish woman from Kalle Gavi village (Sardasht town in West Azerbaijan). She voiced that premarital virginity should no longer remain a taboo. With the exception of these two above cited examples, the remaining interviewed women were mirrors of their provinces' gender attitudes. Their limited capacity to articulate their needs and rights confines girls to a marginal role within the family structure.

General perception and unmodified sexual behaviours are glaring with respect to sexual relationships. Having forced sex was a routine part of their marital life and in patriarchal societies the ability to discuss or reject it was clearly not a privilege. Obediently complying with sexual subjugation was revealed in the research study where most of the respondents felt it was part and parcel of their marriage and thus their duty to have sex whenever the husband desired it. The young girls did not comprehend that what they were experiencing was non-consensual sex or unwilling intimacy. The inability to voice their feelings about the continuance with non-consensual sex translates into impunity or even outright sanction of sexual violence against children. Tragically many expressed feelings of hatred sadness

and anger. Only a reed slim minority felt joy. From a pre-marital situation in which socialising with the opposite sex and engaging in sex is socially discouraged or sanctioned, young married girls are plunged into another grim reality where they are quickly expected to perform the sexual roles of a dutiful and unquestioning wife.

Uncontestably, as gender empowerment is the goal that needs to be strived for, the grounds to plant its developmental seeds means the barriers that restrict girls' ability to express themselves and to become societal participants rather than societal outsiders must be pulled down. Programmes of action motions must start with women themselves in order to see a noticeable effect in their development.

ECM AND VULNERABILITY OF THE MILLENNIUM DEVELOPMENT GOALS:

Historically, the prevention of early and forced marriage has always been a dilatory and difficult process. The "Sarda Act 1929" in India was the very first effort by the Indian government to put a halt to ECM by making marriage under the age of 18 illegal for girls. Regrettably, this has had no discernible effect as the analysis shows that India is one of countries with the highest numbers of child brides.³⁶⁰



*Al-Khalaj Villagej, Bostan Absad,
East Azarbaijan province*

³⁶⁰ Mukherjee, S. (2006). Using Legislative Assembly for Social Reform: the Sarda Act of 1929

Without doubt, the multiple causes underpinning child marriage imply that enacting legislation alone may prove insufficient to eradicate the problem from its roots. The limited impact of laws reflects a broader discussion about the challenges of shifting attitudes and practices related to ECM.

In the 1990s, the Cairo International Conference on Population and Development boosted the effort that was followed by the UN International Conference on Women in Beijing in 1995³⁶¹. The 1995 Fourth World Conference on Women in Beijing marked a significant turning point for the global agenda for gender equality. The Beijing Declaration and the Platform for Action, adopted unanimously by 189 countries, is an agenda for women's empowerment and considered the key global policy document on gender equality. Representatives of 189 governments hammered out commitments that were historic in scope producing the Beijing Declaration and Platform for Action, which is considered to one of the most progressive blueprint for advancing women's rights. Particularly, the critical areas of concern were: the girl child and pregnancy; delivery; risk of maternal death; high levels of morbidity and mortality; curtailment of educational and employment opportunities and its long-term adverse impact on them and children's quality of life.

In 2000, The Millennium Development Goals (MDGs) were eight international development goals agreed on by world leaders at a UN summit. All 189 United Nations members and at least 22 international organisations pledged a commitment to help achieve the following Millennium Development Goals by 2015:

³⁶¹ Malhorta, Warner, McGonagle&Lee-Rife (2013) Solutions to End Child Marriage: What the Evidence Shows. International Center for Research on Women.

- To eradicate extreme poverty and hunger
- To achieve universal primary education
- To promote gender equality and empower women
- To reduce child mortality
- To improve maternal health
- To combat HIV/AIDS, malaria, and other diseases³⁶²
- To ensure environmental sustainability
- To develop a global partnership for development³⁶³,

There have been additional platforms of actions. The Transforming Our World: The 2030 Agenda for Sustainable Development document was adopted in September 2015 by the United Nations to help eradicate poverty and achieve sustainable development by 2030. Amongst its 17 Sustainable Development Goals (SDGs) and 169 associated targets was Target 5.3, 'Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation'. Under Goal 5 'Achieve gender equality and empower all women and girls. This universal framework commits all countries to make measurable efforts to end child marriage by monitoring progress on its implementation and ensuring accountability towards citizens, including children.³⁶⁴

³⁶² United Nations Millennium Development Goals website, retrieved 16 June 2009

³⁶³ United Nations Millennium Development Goals website, retrieved 21 September 2013

³⁶⁴ UN General Assembly, "Transforming our world: the 2030 Agenda for Sustainable Development", UN Doc. A/70/L.1, (2015), http://www.un.org/ga/search/view_doc.asp?symbol=A/70/L.1&Lang=E, accessed 9 October 2015

Since the establishment of the MDGs, it had been greatly assumed that it would decrease gender disparities such as ECM. Nonetheless, an analysis of these laudable objectives shows that ECM hampers the Millennium Development Goals. ECM is a practice that traps 15 million girls a year into a cycle of poverty, health risks and inequality, and which has hindered the achievement of six of the eight MDGs.³⁶⁵ ECM threatens the attainment of the first six goals as it reduces and minimizes the chances for girls to be a part of a country's developmental process.

To promote gender equality and empower women

The content of Goal three does not contain an explicit reference to eliminating ECM. It is impossible to empower women when so many girls are married off and denied their right to health, education and a life free from violence and exploitation.”³⁶⁶

To achieve universal primary education

Similarly there is a fundamental dissidence between ECM and Goal two. ³⁶⁷ The research study showed that once a girl is married off her education is brutally pushed aside. Girls without any education are three times as likely to marry before 18 as girls with a secondary or higher education. This in turn encourages the high dropout rates amongst girls which further create an obstacle to attain Goal 2. This lack of education affects efforts to eradicate extreme poverty (Goal one) as the

³⁶⁵ Sustainable development goals: why ending child... www.theguardian.com

³⁶⁶ Uprati, Melissa, Why Ending Child Marriage is a Critical Part of the Post-2015 Development Agenda, See also Sustainable development goals, supra note 5

³⁶⁷ Sustainable development goals, supra note 5

child brides misses out on the educational and economic opportunities needed to lift themselves and their families out of poverty.³⁶⁸

To eradicate extreme poverty and hunger

As poverty and child marriage are closely interlinked, the practice of early marriages is very common in countries that are in dire need of economic development. Regardless of the geographical and cultural settings, child marriage seems to be directly correlated with conditions that typically characterise poor development, such as rural residency, poor or inadequate infra structures, low or absence level of attained education, and overall dire poverty with its pronounced disparities. Poverty is a complex and multidimensional phenomenon that cannot be interpreted only in economic terms. In a broader sense, it extends to the deprivation of opportunities for civil, social and political participation and social mobility. The strategic objectives in this area are based on the premise that child brides and or women continue to be more severely affected by poverty than men due to persisting structural and cultural causes that place women at a disadvantage (e.g. social protection systems, labour market policy and practices, etc.). Moreover the limited economic independence of women creates a risk of poverty for the whole family. Poverty, both a key determinant and a manifestation of child marriage as witnessed in Bangladesh, Mali, Mozambique and Niger where more than half of the girls are married before age 18. In these above cited countries, more than 75% of people live on less than \$2 a day. ³⁶⁹ Both a symptom and a driver of poverty, child marriage precludes the possibility of

³⁶⁸ Ibid

³⁶⁹ Population Reference Bureau (2005). 2005 World Population Data Sheet. Population Reference Bureau: Washington D.C.

education, employment and other economic development, and exposes girls to a multiplicity of vulnerabilities.³⁷⁰

To reduce child mortality

To improve maternal health

Countries in which girls are commonly married before the age of 18 have significantly higher rates of maternal and infant mortality ³⁷¹

which undermines progress towards Goals four and five. ECM opens the flood gates of high-risk and multiple pregnancies as these pregnancies push young girls into high risk levels of physical and emotional stress for which their bodies and minds are not prepared. Early and frequent pregnancies can lead to permanent, debilitating injury that is pernicious to the health and survival of both the mother and the child. There is cultural pressure on her to demonstrate her fertility to her in-laws, husband and community, even before her own physical and sexual growth is complete and even before she achieves the psychological and emotional maturity necessary to carry a pregnancy to full term and take responsibility for a new life. Such marriages take place in traditional societies where child brides are bound to deliver children which put them at risk of sexually transmitted diseases and increased risk of maternal deaths.³⁷² Paradoxically, ECM seen as a vehicle of protection seems to expose rather than shield young women from HIV/AIDS, as it forces them into a sharp transition from virginity to frequent unprotected sex. ³⁷³

³⁷⁰ Sanlaap, "Child Marriage: West Bengal Scenario", (n.d.), p.4.

³⁷¹ Anita Raj, PhD and Ulrike Boehmer, e Department of Medicine in the University of California, San Diego School of Medicine and University of California, High-rates-of-child-brides-and-maternal-and-infant-mortality.

³⁷² Nour, N. Child Marriage: A Silent Health and Human Rights Issue Rev Obstet Gynecol. 2009 Winter; 2(1): 51–56.

³⁷³ International Parenthood Federation and the Forum on Marriage and the Rights of Women and Girls, "Ending Child Marriage", (2007), p.12

It has not gone unnoticed that the Millennium Development did not address child marriage as a target even though ECM directly hinders progress on each of the eight goals.³⁷⁴ The report lacks any reference to young adolescent girls, whom we know are an integral building blocks on any effort to alleviate poverty. There was no mention of girls' education, civil registration or mandatory birth certificates. There was no commitment to ensuring access to sexual and reproductive health and rights, or to comprehensive sexuality education that is essential to achieving global health and ensuring women and girls' basic human rights. Although there were strong references to ending violence, providing financial services, property rights and calls for data to be disaggregated by gender and age, what was missing was sexual and reproductive rights. The research study revealed that many of the young girls articulated a low level of awareness and knowledge about sexually transmitted infections (STIs). There was no mention of community involvement to combat discriminatory social norms. This is unfortunate as there is an imperative need to tackle ECM at its roots by dismantling the discriminatory social norms. All of these above cited entities flourish and sustain ECM. Whilst the Millennium Development does call for an end to ECM it does so solely within a judicial frame, omitting critical health, education and empowerment precepts. Considering ECM's colossus impact on the aforementioned areas, this regrettable omission was a missed opportunity.³⁷⁵

With the end of MDGs, international NGOs, national governments, and grassroots movements have analysed the potential obstacles and identified strategies that are needed to overcome ECM. The realization is that gender equality is an achievable

³⁷⁴ Protecting the Girl Child Using the Law to End Child, Early and Forced Marriage and Related Human Rights Vi

³⁷⁵ Millennium Development Goals | ICRW www.icrw.org/taxonomy/term/29

post 2015 development goals in health, education, governance, and economic empowerment. In this regard, SDGs have been designed to ensure gender equality, women's rights, and women's empowerment with many other development agendas. The issue of ensuring gender equality³⁷⁶ was voiced by the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda and UN Women that have declared child marriage as an important target within the SDGs³⁷⁷. The Human Rights Council Resolution, which has been affirmed by more than a hundred countries, narrates that "the persistence of child, early and forced marriage contributes to impairing the achievement of the Millennium Development Goals and sustainable and inclusive economic growth and social cohesion, and that therefore the elimination of child, early and forced marriage should be considered in the discussion of the post-2015 development agenda."³⁷⁸

Understanding the forces at play of prematurely married girls and foiling ECM are commitments made by the international community and national governments as a key stride toward achieving the SGDs set in the post-2015 agenda for global human, social, economic and environmental development. It is a necessary direction towards achieving gender equality and empowering all women and girls. Prevention and elimination of early child marriages in this regards, would be a prime step that could lead to remove all other obstacles and barriers which have prevented women to be an active part of the global development gender process.³⁷⁹

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³⁷⁷ United Nations Sustainable Development Solutions Network (2014) Proposed Sustainable Development Goals (SDGs) and Targets

³⁷⁸ Report of the Human Rights Council on its twenty-fourth session-P 60-

www.ohchr.org/EN/HRBodies/HRC/RegularSessions/.../A-HRC-24-2_en.doc- Accessed September 16th, 2016

³⁷⁹ THEMATIC REPORT: Unrecognised Sexual Abuse and Exploitation of Children in Child, Early and Forced Marriage

RECOMMENDATIONS

The recommendations put forth have been based on the findings of the research study in Iran and constitute the overarching framework specifically needed to identify and extirpate the potential enablers of ECM. The phenomenon of child marriage is a complex and growing narrative which necessitates further research to diagnose and combat this insidious and deeply embedded practise. In this context, it is critical to understand the special needs of children and teenagers, to implement programs that consider their unique circumstances and to take into account their vulnerabilities. In the past decade as a reflection of the rising global agenda, several local studies and university MA students' theses have also contributed to raising public awareness of ECM. Although there has been world-wide vigilance about ECM as evidenced by the studies and surveys that have been conducted describing regional proportionality and distribution, Iran has not been included.

The strongest antidote to ECM is to attack the constellation of forces that cause women to become ECM brides, which are weak legal systems, lack of access to education, poverty, blight view of females and poverty. Based on the findings from the analysis and input from the participants in the research study survey, the recommendations of the study follows. Many of the recommendations reinforce existing child marriage prevention programs and emphasize that multifaceted holistic approaches needed to tackle the problem of child marriage. As with any set of measures addressing this complex challenge, no single strategy or mechanism will suffice. The complexity of ECM requires that effective legal, policy and programme measures that are taken must be coordinated on the international,

national and local levels. There are a range of approaches needed to address child marriage, and crucially everyone has a role to play. This means there must be long-term, sustainable interventions that are coordinated, well-resourced and reflected the empowerment of girls, mobilisation of families and communities, access to services and establishment and implementation of laws and policies.

What is a primordial is that Iranian authorities and policy makers must support ECM eradication and stop denying its existence. Plainly stated, ECM exists and its existence must be acknowledged. What is not being recognised is that understanding and accepting this cultural reality is the first step in unfolding ECM's grip. By putting aside this collective denial and validating the eye-opening facts, the eradication of ECM starts to take seed. Instead, the Iranian government has shunted the issue of marriages involving girls under 9 years of age by asserting that marriage is a personal matter, and the regime does not interfere with it. Even when statistical evidence unequivocally showed a surge of divorces and that 70% of the mutual divorces are related to ECM cases, instead of further enquiry into the underlying causes for this statistical escalation, the Iranian government enacted a decision not publish the divorce statistics in Iran. A clear governmental stance is cardinal.

However, the acknowledgement of the government is not sufficient to combat ECM. The role of the government and civil society institutions is to develop and execute programmes of action to prevent or discourage ECM. This would include implementing governmental community awareness programmes on the legal minimum age for marriage and the legal consequences for breaching the law. Governments must show strong political leadership by making ECM of national

importance and providing adequate financial resourcing across ministries to holistically tackle the issue. This is crucial to ensure protective and non-discriminatory legal frameworks, strict implementation of laws and policies, as well as provisions for effective education and protection services, reproductive sexual health care and legal remedies to both married and unmarried girls. Government can further coordinate organizations' policies, provide funding for studies on ECM and other related research projects in order to diffuse the message to the populace about ECM. This will require long term solutions rather than a quick fix short term solutions.³⁸⁰

In many countries, ECM falls into what amounts to a sanctions limbo. It may be prohibited under existing civil or common law, but be widely condoned by customary and religious laws and practices. A strong legal framework can serve as a highly influential backdrop for improvements in services, changes in social norms and girls' empowerment. Many countries lack robust legal and policy frameworks which can help to prevent ECM and support married girls. Newly enacted laws and revisions on the current articles in countries' civil code can optimistically raise the minimum marriage age to the universally accepted age of 18. This message must be diffused. The research study unequivocally showed that nearly most of the interviewees were unaware of the statutory minimum age of marriage. Whilst the majority of interviewees were able to estimate or guess the legal marriage age, it was abundantly clear that state law is failing to effectively prevent the occurrence of child marriage, which instead takes place as a reflection

³⁸⁰ An example of this quick fix solution was seen with the launching of separate schools for married girls. At first it appeared auspiciously promising, but this quick fix resulted in unintended consequences. This policy led to staggering investments on providing separate facilities as well as implicitly sustaining gender inequality thus causing further damage to victims and vulnerable groups

of other dominant normative frameworks. The inadequacy of laws relating to marriage age, co-existing with the populaces' lack of concrete awareness of the laws and its weak and or non-enforcement were found to be related to child marriage attitudes and practices.

Legislation defining the permissible marriage age in Iran should progressively align with the universal set minimum age for marriage. This will require a joint collaboration with the local government in each respected provinces to improve the monitoring systems of marriage registrars (civic and religious), to ensure that child marriages are not registered and held valid. It is important to note that whilst most countries legislate for a minimum legal age of marriage, the age of marriage is often higher for men than it is for women and many countries, such as Iran, continue to adhere to a legal age of marriage that is lower than the age of 18 as held in the UN Convention on the Rights of the Child. In Iran, revising the laws on the legal marriage age, which currently is 13 years old for girls, shockingly 9 years old with a court's authorisation and 15 for boys, demands an elevated marriage age. Iran has witnessed changes in child marriage law over the last century. A comprehensive report by the Australian Aid highlights that "Before the 1979 Iranian revolution, the legal age of marriage for boys and girls was 18 and 16, respectively. Shortly after the revolution, the age of marriage for girls was lowered to nine, subject to competent approval and 'physical maturity'". The report further states that "In 2003, female parliamentarians successfully pushed through legislation that raised the legal age of marriage for girls to 13."³⁸¹ This needs to change. Raising the current legal age to 18 and diffusing it to the public is part of the government's designated role of protecting the health and welfare of

³⁸¹ Child Marriage in Southern Asia-A Policy report by the Australian Aid, P 14

the populace. At this juncture, the role of religious leaders, stakeholders and local governments is pivotal to alert local religious marriage registrars, officials and religious clerics of the minimum age for marriage in each province and the pernicious harm of ECM

Even if countries have laws that regulate marriage, both in terms of minimum age and consent, these laws may not be enforced. The laws on restricting child marriages are few and the level of punishment is not draconian enough to deter potential perpetrators. Greater effort should be made by the government to prosecute individuals for arranging child marriage and punishing parents who force or arrange ECM. Many countries have used existing criminal code provisions or newly enacted criminal codes for prosecuting FGM and ECM ought not to be an exception. Any such programme will also need to include raising media awareness and reporting mechanisms so that successful prosecutions are publicized whilst taking into account principles of confidentiality and child-sensitive procedures when perpetrators are under-age. This prosecution of those who perpetuate sexual offences against girls should be in line with national legislation and international human rights standards. Policy programme will need to work with local police forces, community and social services and prosecutors.

Moreover the loopholes in Iranian's legal system provide gaps for violators to circumvent the law such as the 'buy in' phenomena relating to marriage age by marriage officiates and registration bodies. This involves a three tier approach: amend and /or introduce new legislation on child marriage; enforce mechanisms to guarantee eighteen as the minimum age of marriage for both males and females

and to guarantee consent and, as previously mentioned, impose appropriate sanctions on violators.

The impact of law and legal systems on attitudes and practices reflects a broader discussion about the challenge of shifting attitudes and practices relating to child marriage through normative messaging. Laws and policies play an essential part in annihilating child marriage. Enforcing existing marriage laws and regulations seems to be one of the most requisite acts. Even though a robust legal reform is a necessary component to ending ECM, it is not an absolute panacea. The laws must be seen within a wider context of gender analysis of the legal system as a whole. The conjointly reinforcing nature of these laws creates a ripe and enabling environment for the enforcement of all gender friendly laws. The law must be use prohibitive language, contain sanctions, enforcement mechanisms, the right to sue and legal remedies. Domestic violence laws, anti- discrimination laws, gender equality laws and access to equal education laws, must be drafted parallel to the universal rejection of ECM.

When ECM prospers during war and conflict, the much dire needed laws that decry such marriages “illegal” exposes another social need. Legislating against forced marriage may have to be supplemented by other programs of actions that address this pressing social concerns such as militarism, conflict, and political insecurity. This reaffirms the need for research and evidenced based programs that begin with the experiences of girls and women forced into marriage, as well as the experiences of parents and other actors who may perpetuate forced marriage where they see no other choice

Iran is not a signatory to CEDAW but is a signatory to a host of other applicable treaties such as the International Covenant on Economic, Social, and Cultural Rights, International Covenant on Civil and Political Rights and The Convention on the Rights of the Child. Despite egregious infringements, Iran was elected to the Commission on the Status of Women in 2010, to the United Nations Children's Fund Executive Board in 2013-2016 and to the United Nations Development Programme Membership (Executive Board): 2012-2015.³⁸² Iran has the legal responsibility, evidence by their signature to the aforementioned treaties and conventions, to take all necessary legislative, judicial, administrative and other measures to ensure the full attainment of women's and children's rights which are an integral part of these conventions. Iran has failed to abide by the provisions and principles of multilateral treaties to which it is a party that runs counter to its international obligations. It is high time for Iranian legal authorities to incorporate international laws into their legal system or practice and remove any reservations to international conventions concerning the definition of the term "child" or minimum marital ages.

As discussed in Chapter 2, birth and marriage registrations are fundamental civil rights which support the enjoyment of a host of consequential entitlements. When a girl's birth is properly certified, the advantages are priceless: her identity is protected, her capacity to access basic services is heightened and her protective rights are greatly enhanced. The birth registration act is an official legal recognition of her existence and a systematic structure for tracing history and kinship. Official registration of all births and marriages is mandatory in order to

³⁸² The Islamic Republic of Iran's Violation of Treaties, www.unitedagainstnucleariran.com/violation-of-treaties

negate ECM by making it close to impossible. All the same, sound marriage registration is only achievable if it can rely on timely and rigorous birth registrations. In countries where birth registration is not compulsory or is implemented inconsistently, in turn, marriage registrations are likely to hinge on non-existent or unreliable birth certificates. According to UNICEF, the gap in recording births facilitates the falsification of the age and the identity of the child, particularly for girls who are actively sought for early marriage. With limited or lack of reliable official records of birth, it is difficult to determine with certainty a bride's age. What is more, parents' estimates can be inaccurate, distorted or simply deliberately fabricated. Registration is a critical step to counter the practice of ECM as it provides proof of the girls' and their partners' age, and allows girls and women to seek financial and legal redress if the marriage ends.

Poverty and lack of viable options, particularly for girls, were found to be key factors contributing to attitudes that are supportive of child marriage. The reduction of poverty is one of the universal human problems faced by the world community absent an ECM context. Reducing poverty signifies the general population's utilisation of natural resources, including land and water reserves, the availability of jobs, the expansion of educational opportunities, the use of and access to of medical services, the assurance of legal equality between men and women at all levels, the satisfactory attainment of infrastructure and social services, and the improvement of sanitary and hygienic conditions of the environment. Resolving poverty is a world-wide imperative in order that families who experience poverty do not see it as necessity to marry their daughter(s) at a young age in order to relieve the family of the burden in raising her or to pay a smaller dowry. It is also essential to ensure that opportunities exist for girls to be

educated and financially independent, so that marriage is not seen as the only way to ensure that girls have obtained some scintilla of financial security. By emphasising the potential higher earning capacity of an educated female who therefore can contribute to the family's overall financial means, , this would reinforce the idea that girls are financial assets and mitigate the perception that girls are financial burdens that quickly need to be disposed.

Evidence unequivocally shows that keeping a girl in school is crucial. The importance of education as a tool to increase the marriage age is undeniable as it is a positive tool and one of the most important means of achieving gender equality and the expansion of women's opportunities. A quality education is one of the most pivotal factors to protect the general population from vulnerability to poverty. A lack of education falsely allows ECM to be more acceptable in the context of limited alternative opportunities such as education. Therefore, education can play a particularly important component in shifting ECM and its acceptability as the very act of girls attending school reinforces the notion to the community that girls are still school age children. Girls and boys who stay in school longer marry later; the higher the educational level the further ECM disperses. As ECM trammels with girls' education, there is a highly significant and positive correlation between age of first marriage and the number of years in school. According to research by the International Centre for Research on Women, in 18 out of the 20 countries that have the highest prevalence of child marriage, the level of education a girl attains is the most powerful predictor of the marriage age. Consistently, in all regions, girls

with higher education levels were less likely to marry as children. As per the Australian Aid report “Laws implemented during the Islamic Revolution to ensure that boys and girls attend school through primary education have increased the literacy rate of young people to 95 percent. Women now comprise 60% of university students in Iran.”³⁸³ Despite the generally positive indicators that advances and improvements have been reached, attention needs to be drawn to poorer, rural girls to enhance their accessibility to high quality, affordable and safe schooling. Thus a free and obligatory educational system has to be run throughout the country. Children must be kept at school at least until the end of their high school with low cost and or free and mandatory education for all. Legislation defining age for compulsory education is sorely needed.



FIGURE 26 WOMEN AND GIRLS ATTENDING RELIGIOUS AND QURAN LESSONS-PHOTO BY: KAMEEL AHMADY

Although, countless research studies have demonstrated that keeping girls in school has had a noteworthy and positive impact on reducing the likelihood of child marriage, this begs the question of how to set up the programme. Programming will inevitably have to focus on income generating incentives as poverty is a significant and leading reason for stripping girls of their right to an education in preparation for ECM. Programmes could include conditional cash payments/transfers in kind to the families supporting girls to stay in school. There could also be a focus on setting targets for communities and for girls that are related to the percentage of girls that stay on in school. This would provide a

³⁸³ Child Marriage in Southern Asia-A Policy report by the Australian Aid, P 14

monetary incentive for families to allow their girls to remain in school at least until the end of the compulsory school age. Uncontestably, this will require co-operation and joining forces with the Ministry of Education and at the province district levels to set enrollment target rate of girls in primary and secondary schools and for ensuring that schools meet quality indicators to ensure retention. Schools that can demonstrate realising the government target should be rewarded by additional grants or school equipment. As financial incentives were used as an integral part of Iran's successful policy to encourage population growth, surely a similarly broad persuasive programme can be used to discourage girls' withdrawal from school.

A reassessment of school curriculum to identify and remove sexist and negative gender stereotypes is warranted as gender bias in textbooks and curriculum acts as an invisible obstacle undermining gender quality in education. Outreach work in schools to educate boys and girls about laws relating to GBV including messages on the unacceptability of any form of sexual harassment or violence against girls. Lastly training programmes and curriculum for teachers to sensitise them and equip them with the skills to teach children about child rights, harmful gender stereotypes, violence, sexual harassment and child marriage could be developed.

The practice of ECM in many communities has flourished due to a lack of knowledge and awareness of the harm and consequences of the practice. Educating the public about ECM and raising public awareness is essential. Based on the findings of this research study, the respondents showed either various ranges of glaring and flagrant ignorance and or sparse knowledge about ECMs let alone its detrimental and overall general harmful effects. Any programme of

action in confronting ECM must incorporate the necessity of diffusing its negative repercussions to the public by using the latest technological developments in communication. In an age where ideas can be communicated globally within milliseconds and the relationships that arise through its use, diffusing ECM messages can be quick. This is when the power of technology comes into play by using mass media campaigns, mobile phones, social platforms, digital media, Twitter, Facebook as well as radio and television to raise awareness of the adverse impact of ECM. Without these important widely used communication means, any progress and advancement will not sustain.

It is obligatory that efforts be undertaken to mobilize communities with knowledge and education about ECM negative physical, psychological and social impacts. Community involvement in ECM must be reinforced. Working with families and the wider community to raise awareness of the harmful consequences of child marriage can change attitudes and reduce the acquiescence of parents who decide to marry girls when they are still children. A comprehensive advocacy plan should be designed to promote gender empowerment as an aspirational social norm. Community messaging should stress the importance of delaying marriage until both parties are sufficiently mature. This can be achieved by underscoring and chronically reiterating the effect ECM can have on young couples who are not sufficiently mature to cope with the demands of adult life which potential leads to marital breakdowns and poor parenting. This message should be aimed at religious leaders, religious courts, marriage registration bodies and officiates, who are highly significant in influencing the views of parents. Activities should also be conducted to strengthen the capacity of law enforcement bodies to work more closely with communities, schools, and governmental and non-governmental

associations to prevent ECM, meaning that all the above mentioned organizations who are in charge of and responsible for social problems, must act jointly in coordinating their policies towards a unified ECM prevention scheme.

The pivotal forces of the inveterate social norm of ECM and its position as a deeply rooted custom has been part of the culture for generations. Whether the practice is cited as cultural or religion, it is often driven by negative inequitable gender ideology such as a zealous emphasis on protecting a girls' or her family's honour by controlling her sexuality. For change to happen, the values and norms which support the practice of ECM need to shift. A multi facet holistic approach as reiterated at the 1994 International Conference on Population and Development put forth certain findings that hindered women's development is exemplary. The International Conference stressed this multi facet holistic approach involving all players from civil society, communities and government actors to look at all of the factors that limit women's development and respond accordingly with an integrated approach, including interventions at the community level and strengthening national policies. Messages that promote new norms and positive role models are an effective way to change attitudes about the value of girls and women. Additionally, reducing fear of sex activity via advocacy and programming efforts that could introduce and develop comprehensive sex and relationships education in school curriculum.

The dominant norm seen across all seven provinces clearly disapproves and prohibits sexual relationships outside of marriage. Iran's new Islamic Penal Code continues to prescribe the punishment of stoning as a penalty for people convicted of *zina* (having intercourse outside of marriage. The penal code explicitly mentions

the type of stones that should be used, noting that they must be large enough to cause pain but not so large as to kill the victim immediately.³⁸⁴ What is horrifically tragic is that many of those sentenced to stoning have been victims of forced and early marriage, longstanding patterns of physical and sexual abuse as well as forced economic dependence.³⁸⁵

Sexual activity outside of marriage was found to be infinitely powerful and categorically unacceptable as almost all expressed an outright absolute adherence to virginity. This is in bizarre contrast to the acceptability of ECM that emulate norms prohibiting sexual activity outside of marriage yet permitting non-consensual sex perpetrated by men within marriage. Indeed Article 1108 of Iran's Civil Code obliges women to fulfil the sexual needs of their husbands at all times. This is known as the requirement of *tamkin* [submission] A woman's refusal to engage in sexual activity with her husband constitutes *noshuz* [disobedience] and can disqualify her for maintenance rights.³⁸⁶

The stigma associated with female sexuality is exacerbated by a lack of availability and access to sexual and reproductive health services particularly for young, unmarried women. Undoubtedly, the lack of contraception used during marriage may be related to the strong social expectations for women to start childbearing once they are married. As young brides are expected to show the self-worth via fertility, multiple births at a tender age are commonplace. According to the findings of the research study, a lack of availability of sexual and reproductive

³⁸⁴ Article 225, <http://rc.majlis.ir/fa/news/show/845002>.

³⁸⁵ IRAN: Gender Discrimination at Its Worst - Impact iranimpactiran.org/wp-content/uploads/Women-Living-Under...

³⁸⁶ <http://rc.majlis.ir/fa/law/show/92778>.

health services was observed in all seven provinces. There was also a lack of knowledge amongst the young girls about sexual reproductive health and collective ignorance about general labour delivery and gynaecological health issues. . Many of the young girls were unaware that they had experienced obstetric fistula. The research study also showed that many of the young brides simply did not have access to reproductive birth control and or never used them and displayed no interest in birth control devices. Access to sexual and reproductive health services should also include working with the male population and their reproductive health. The research study showed that many of the young boys had fathered their first child whilst still a teenager and or had fathered six children.

Working with men and boys is a critical aspect to eradicate ECM. In many communities it is the men who retain the power and make the familial decisions. Many of the dominant norms and attitudes are typically policed and enforced by the male heads of households, who are often rewarded for their efforts through the acquisition of tangible economical benefits. Take for instance the father who saves the dowry money to marry his daughter early and/or to a significantly older man. Programmes of action that target fathers, brothers, husbands and future husbands are important for males to see the societal benefits of a community that values and supports girls and women to fulfil their potential. This could involve, for example, recruiting groups of boys in schools, providing them with information and awareness on the harms of child marriage and supporting them to raise awareness amongst their own peers. Men are agents of change and can form a coalition against child marriage

ECM in Iran is supported by a religious force, including a religious government and social norms. These two powerful elements that trigger ECM are the collective mainspring that has created ECM's lasting generational legacy. It is this research study's premise that any ECM programme of action must target the role of religion and religious stakeholders. Given the influence of religion, approaching the issue through the enforcement of Sharia law may be an effective strategy. Many advocates of Sharia cite Islam's "fundamental respect for women" as one of their religion's greatest benefits. The prophet Mohammad is known for ascribing women a right to own property, receive education, and hold a job. When asked by an collectively adherent whom he should give his greatest respect to, Mohammad said, "your mother," then "your mother," then "your mother," only then followed by "your father"³⁸⁷

It is apparent that religion has been used in many ECM practising countries not to liberate but to entrench inequality. As religious leaders play a prominent role in decision-making or influencing the prevailing norms, as it is necessary to target their support as positive advocates for change. Religious leaders potentially hold the key to changing social norms around the expected age at marriage for girls as they are in a position of influence in speaking out against child marriage and changing community attitudes. They exert considerable influence over public opinion, trust within the communities and foster the cultural acceptability of deferred marriages. It is therefore essential that religious leaders receive training on the adverse effects of child marriage. A comprehensive method must be put in place in training and consulting these religious leaders in order to diffuse the preventive message. This was seen in one effective programme in Pakistan,

³⁸⁷ Women's Rights Under Islamic Law | insideislam.wisc.edu/2008/11/womens-rights-under-islamic-law

Afghanistan and Bangladesh with trained imams who extolled the importance of girls education in their Friday sermons and when officiating marriages asked for the brides' age and proof of her consent.³⁸⁸

As girls are the victims that disproportionally bear the brunt of ECM, and later the survivors they are also the unwilling torch bearers. Empowering girls by giving them opportunities to build skills to exercise their rights and to develop support networks, play an important part in ending child marriage. Girls are the key to social transformation around early marriage. Rather than guessing as the research study showed, knowledge of marriage laws and reproductive rights could be integral part of their life skills training in order to improve girls' knowledge about their reproductive health and legal rights including the right not to marry before age 18 and the right to give free and full consent to marriage. Activities could also include increasing girls' self-confidence and ability to negotiate key life decisions including continued schooling and annulling marriage. Create adolescent girls empowerment groups through safe spaces in schools and the community. These supportive groups could be instrumental in helping girls to develop skills such as: financial skills, literacy, life skills, sexual health knowledge and skills, and information on how girls can recognise and report risks of child marriage and other forms of violence. A well-informed, aware and proactive new generation should provide the backbone of initiatives being set in motion in their communities, countries and internationally to progressively make child marriage an echo of an obsolete tradition

³⁸⁸ Women's Rights Are a National Security Issue - www.nytimes.com/2016/12/26/opinion/womens-rights-are-a...

A range of policy and programmatic actions are needed to assess and reduce early marriage and its impact. This necessitates data research. Data is a powerful tool to demonstrate the ill effects of child marriage, its occurrences and its prevalence. Data should also incorporate the different components and levels that ECM proliferates, including: girl child's education, access to resources, health care, ECM information and the family's socio economic status. At present, there is a serious lack of data on ECM in Iran. What does exist is an examination of ECM in terms of demographic trends, fertility and educational attainment. There are as yet very few studies that have examined the practice from a gender based violence or human rights perspective, or its impact on wives, husbands, families and wider society in Iran. These gaps need to be filled urgently, since data influences and guides policies and programmes and provide a basis for effective advocacy. Existing demographic data may be disaggregated and used in ways that tell us more about the prevalence of early marriage.

A substantial and significant shortage of available material on child marriages in Iran is a matter of immense concern. There remains much to be done to combat ECM marriage in Iran. The Iranian government urgently needs to develop comprehensive social safety net programs, reduction of poverty level and providing economic opportunities to encourage families to end ECM. Whereas in Iran, contemporary research bodies analyse child and gender based issues such as domestic violence and child education, ECM has been largely ignored. Many have no idea about the presence of ECM in Iran undoubtedly due to this lack of available data. The dearth of ECM awareness from the populace and deliberate indifference from the government has resulted not only in a scarcity of data that could be diffused to the domestic and international community but also has allowed the

issue to remain in the shadows. In the world wide battle to eliminate ECM, Iran has been neglectful and neglected.

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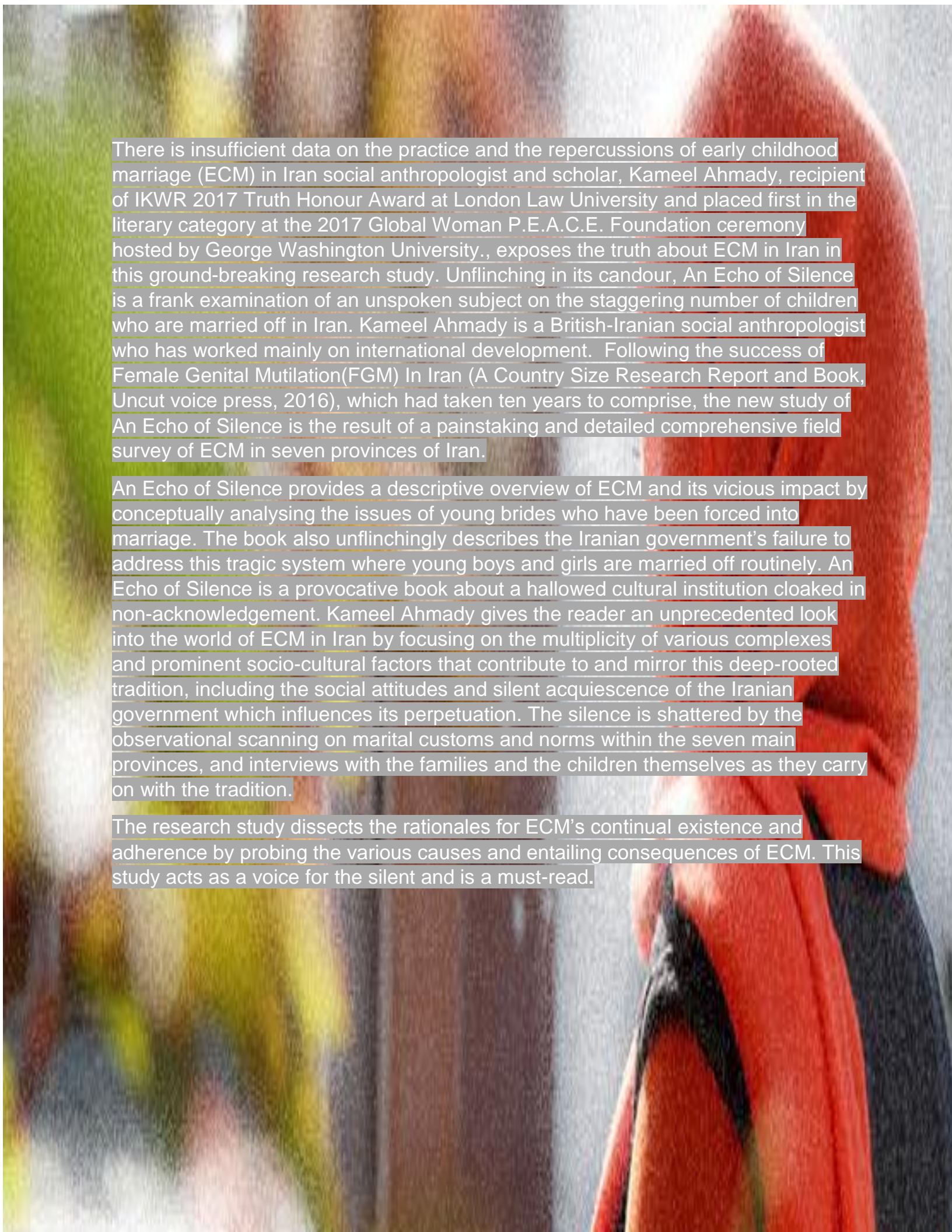
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There is insufficient data on the practice and the repercussions of early childhood marriage (ECM) in Iran social anthropologist and scholar, Kameel Ahmady, recipient of IKWR 2017 Truth Honour Award at London Law University and placed first in the literary category at the 2017 Global Woman P.E.A.C.E. Foundation ceremony hosted by George Washington University., exposes the truth about ECM in Iran in this ground-breaking research study. Unflinching in its candour, *An Echo of Silence* is a frank examination of an unspoken subject on the staggering number of children who are married off in Iran. Kameel Ahmady is a British-Iranian social anthropologist who has worked mainly on international development. Following the success of *Female Genital Mutilation (FGM) In Iran (A Country Size Research Report and Book, Uncut voice press, 2016)*, which had taken ten years to comprise, the new study of *An Echo of Silence* is the result of a painstaking and detailed comprehensive field survey of ECM in seven provinces of Iran.

An Echo of Silence provides a descriptive overview of ECM and its vicious impact by conceptually analysing the issues of young brides who have been forced into marriage. The book also unflinchingly describes the Iranian government's failure to address this tragic system where young boys and girls are married off routinely. *An Echo of Silence* is a provocative book about a hallowed cultural institution cloaked in non-acknowledgement. Kameel Ahmady gives the reader an unprecedented look into the world of ECM in Iran by focusing on the multiplicity of various complexes and prominent socio-cultural factors that contribute to and mirror this deep-rooted tradition, including the social attitudes and silent acquiescence of the Iranian government which influences its perpetuation. The silence is shattered by the observational scanning on marital customs and norms within the seven main provinces, and interviews with the families and the children themselves as they carry on with the tradition.

The research study dissects the rationales for ECM's continual existence and adherence by probing the various causes and entailing consequences of ECM. This study acts as a voice for the silent and is a must-read.