



Kameel Ahmady

# An Echo of Silence

A Comprehensive Research Study on Early Child  
Marriage in Iran

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# **An Echo of Silence**

*A Comprehensive Research Study on Early Child Marriage (ECM) in Iran*

*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 a 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 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.<sup>1</sup>

I found ECM widespread and flourishing in abundance in Iran and discovered that both ECM and FGM are intertwine 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 with 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 either 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 causational relationship between FGM and ECM. This 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 leads to a sense of

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

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 level to foster and initiate a 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 initiating 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.

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

11th of Oct 2016 International Day of Girl 2016

## ABSTRACT

It is a well-documented and an undeniable premise that Early Child Marriage (ECM) dramatically affects and harms the physical, social, obstetrical and psychological well-being of young children's 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 financial stability of the family. It fortifies bonds between families, ensure 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 family<sup>2</sup>. 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 girls<sup>3</sup>. Equally devastating are the health consequences rendering girls vulnerable to sexually transmitted infections, including HIV. Our research study revealed that many were either ignoring ant 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

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

<sup>3</sup> 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 results in sustaining gender inequality and subjugation. Girls are reduced to mere commercial commodities.

Early marriage is defined as the marriage before age 18.<sup>4</sup> 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 emerging 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 actually 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.<sup>5</sup> Women who are educated are healthier, participate more in the formal labour

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

<sup>5</sup> UNICEF, 'Girls' Education: Introduction', website update as of November 2004, [www.unicef.org/girlseducation/index.htm](http://www.unicef.org/girlseducation/index.htm)

market, earn more income, have fewer children, and provide better healthcare and education to their own children in comparison to women with little or no education.<sup>6</sup>

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.<sup>7</sup> Whilst attention has been focused on these above mentioned demographics, very little attention has been focused on ECM in Iran. Hence this study.

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.<sup>8</sup>

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 the age of 15 escalated from 33,383 in 2006 to 43,459 in 2009, a

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<sup>6</sup> 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

30% increase within three years. The synergy amongst cultural norms and local customs, deepening poverty and parents' desire to control their daughters' sexuality plays 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 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 bring to the surface the unspoken deplorable issue of early child marriage in Iran.

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## CHAPTER 1

### **ORGANISATION OF THE STUDY**

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

The study has been divided into four 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.

The second chapter analyses the complex 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.

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 exposing 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 findings about ECM in Iran. The

last chapter makes recommendations for a holistic approach to law and policy reform as a tool to address 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 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.<sup>9</sup>



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

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<sup>9</sup> article 1, UN Convention on the Rights of the Child

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 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. As previously discussed, in Iran once the biological threshold is reached this translates into eligibility for marriage, regardless of age<sup>10</sup>. 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.

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<sup>10</sup>Loaiza Sr. And S.Wong, “Marrying too young. End child marriage,” 2012, <http://www.unfpa.org/sites/default/files/pub-pdf/MarryingTooYoung.pdf>

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 invisible. The physical, emotional and psychological impact of ECM diminishes the chances of personal growth for both genders. 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.

*"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*

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,<sup>11</sup> 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 prepared<sup>12</sup>. In ECM young girls are at high risk of sexual assault, rape, domestic violence, abuse and abandonment. Nevertheless, boys are harmed.

<sup>11</sup> Ending Child Marriage, Consultation Report, Joint Women's Program, New Delhi, India, Jyotsna Chatterji, Director, JWP, Consultation series 2005-2006.

<sup>12</sup> IBID



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 (UNICEF, Girls Not Brides, the Population Council, nor 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.

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, 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.

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.

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.<sup>13</sup> 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.

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.<sup>14</sup>

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

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<sup>13</sup> 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*

<sup>14</sup> *Ending Child Marriage, Consultation Report*, Joint Women's Program, New Delhi, India, Jyotsna Chatterji, Director, JWP, Consultation series 2005-2006.

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 particularly in countries/regions, where girls are often considered as an economic burden on 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 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.<sup>15</sup> '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.<sup>16</sup> 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

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<sup>15</sup> 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.

<sup>16</sup> Sahih-e-Bokhari, Tazwij-ol-Nabi section, sayings 3683 and 3606.

societies.<sup>17</sup> 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.

The subordination of women is both a cause and consequence of child marriage. A submissive attitude and deference is expected of girls throughout her life. 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. Specific traditional roles are assigned to women and such societies tend to facilitate these roles via ECM that in turn reinforce prescribed gender roles. In such patriarchal societies, from a very young age, girls learn to avoid going outside and to adopt an attitude that does not provoke men to be attracted to them. Parents encourage this submissive attitude to make her a desirable and worthy young bride<sup>18</sup>. 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".

<sup>17</sup> Rwezaura, Bart. "The Changing Context of Sub-Saharan Africa." *The Best Interests of the Child*, Clarendon Press, Oxford (1994).

<sup>18</sup> 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.

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 men they are married to, thus giving her a respectable position and status in her respective society<sup>19</sup>

### **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 devalued 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.<sup>20</sup>

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

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<sup>19</sup> 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

<sup>20</sup>[eige.europa.eu/fgender-based-violence%2fwhat-is-gender-based-violence](http://eige.europa.eu/fgender-based-violence%2fwhat-is-gender-based-violence)

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 hierarchical power relationships amongst men, women, parents and children and how it occurs in any communities where these relationships exist.<sup>21</sup>

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 manifested as or blatant discrimination, tradition and or culture. The discrimination often manifests itself in the form of domestic violence, marital rape, and deprivation of food, lack of access to information, education, healthcare, and general impediments to mobility.

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, a symptom of oppression and a misaligned archaic notion of protection.

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.

Child marriage is a manifestation of that violence and a pernicious manifestations of the unequal power relations between females and males. The heightened powerlessness and vulnerability of the child bride results in further gender-

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<sup>21</sup> Khanum, N (2008), Forced Marriage, Family Cohesion and Community Engagement: National Learning through a Case Study of Luton, Equality in Diversity

based discrimination. ECM is recognised as gender based violence because it puts women and girls at particular risk of psychological, sexual and physical violence. Child marriage is a continuation of gender discrimination as it places women in an inferior position disempowered to participate equally in their marriage, 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 manifests an unbroken spectrum of subjugation that women face at the hands of patriarchy and pious Iranian society and nowhere is this more explicit when seen within the prisms of ECM. It operates as a continuum where girls are not valued before they are born and are not valued or treated well even after they are born. 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 the woman but generations to come. It reinforces the subordinated nature of communities that traditionally serve the powerful classes by giving a girl child in marriage 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 noted is the tangled link between ECM and the gender misogynist acts of FGM. The previous findings from the large-scale project on FGM/C prevalence in Iran<sup>22</sup> indicated an association between the



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

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 percentage of FGM. This was witnessed in the provinces of Razavi Khorasan, East Azerbaijan, Khuzestan, Sistan and Baluchestan, West Azerbaijan, Hormozgan and Isfahan.

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

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



The history of FGM is unknown. A number of studies track its origins to more than 2000 years<sup>23</sup>. 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 of patriarchal repression of female sexuality in various ways and throughout history by ensuring women's virginity and reducing sexual desire. What is also clear, is that FGM is a manifestation of deep entrenched 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. <sup>24</sup>

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

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

<sup>24</sup> Female Genital Mutilation/Cutting by UNICEF Africa, [issuu.com/unicefafrica/docs/fgcm](https://issuu.com/unicefafrica/docs/fgcm)

female genital organs whether for cultural or other non-therapeutic reasons.<sup>25</sup> 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.

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.<sup>26</sup>

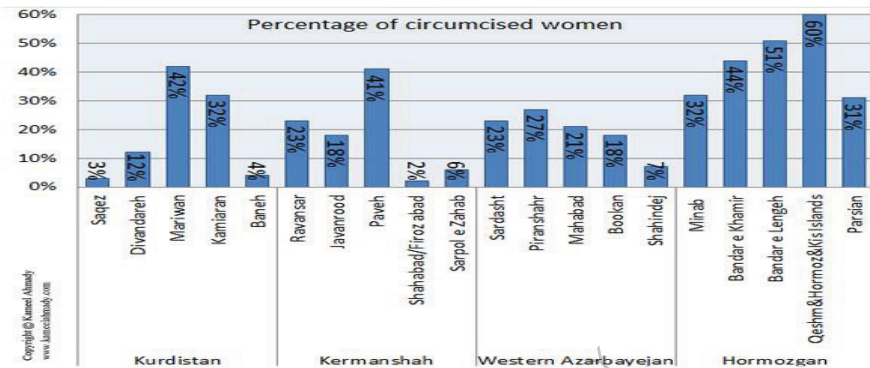
Studies have shown that at least 125 million girls and women have experienced FGM in Africa and the Middle East and as many as 30 million girls under the age

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

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

of 15 may still be at risk over the next decade<sup>27</sup>. What needs to be underscored is that FGM is not exclusively an African issue. FGM exists in Iran.



In Iran,<sup>28</sup> 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 example in some villages in Kermanshah and Kurdistan, women believe that a small amount of bleeding from a cut is necessary, but in other geographical areas such as *Hormozgan* the genitals are cut more extensively.<sup>29</sup>

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.<sup>30</sup> It is highly plausible that when we view FGM it is connected to another harmful practice, ECM.

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

<sup>28</sup> Female genital mutilation practised in Iran, study. [www.theguardian.com](http://www.theguardian.com)

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

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

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.<sup>31</sup> In Ethiopia ECM and FGM have been identified as the most prevalent forms of Harmful Traditional Practices (HTPs) that has been prioritised for elimination in the National Strategy and Action Plan on HTPs against Women and Children.<sup>32</sup> 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.<sup>33</sup> 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.<sup>34</sup> As of 2013, 27.2 million women had undergone FGM in Egypt, 23.8 million in Ethiopia, and 19.9 million in Nigeria.<sup>35</sup> According to a 2014 survey, child marriage is wide spread in Cameroon, with 20 percent of girls aged 15 to 19 already married.<sup>36</sup>

<sup>31</sup> 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.

<sup>32</sup> Child Marriage and Female Circumcision: [r4d.dfid.gov.uk/pdf](http://r4d.dfid.gov.uk/pdf), Evidence from Ethiopia Young Lives Policy Brief 21

<sup>33</sup> Child marriage | Child protection from violence...[www.unicef.org/protection](http://www.unicef.org/protection)

<sup>34</sup> [www.girlsnotbrides.org/about-child-marriage](http://www.girlsnotbrides.org/about-child-marriage)

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

<sup>36</sup> UICEF Cameroon 2014 MICS Key Findings Report Released

One of the main rationales of FGM in traditional societies is that it prepares girls for marriage<sup>37</sup> 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 pure and untouched bride.<sup>38</sup> 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.<sup>39</sup> The younger the girl, the higher the chances of her being virgin, as older men usually preferred young girls <sup>40</sup>

The association between virginity and FGM is so acute that a girl who has not undergone FGM has virtually no chance of marriage.<sup>41</sup> 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

<sup>37</sup> What is behind the tradition of FGM? - [www.african-women.org/documents/behind-FGM-tradition.pdf](http://www.african-women.org/documents/behind-FGM-tradition.pdf)

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

<sup>39</sup> Female genital mutilation FORWARD [www.forward.uk.org.uk](http://www.forward.uk.org.uk) 2014/12

<sup>40</sup> ويلم فلور، (2010)، the social history of sexual relationships in Iran, translated by Mohsen Minu Kherad, Stockholm, p. 48-49.

<sup>41</sup> Beliefs and Issues : Female Genital Mutilation - [www.fgm.co.nz/beliefs-and-issues](http://www.fgm.co.nz/beliefs-and-issues)

the honour of her family. This ultimately overburdens 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"<sup>42</sup>.

## **STANDING ON SIMILAR GROUND-FMG AND ECM**

Taken as a whole, there are bleak similarities between ECM and FGM. Both are a symptom 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 context. Young girls are particularly in high demand. FGM and ECM represents control over women that have the effect of perpetuating harmful gender roles to women. Both have the common core issue of no consent and no choice. In both practices the cultural and societal pressures to submit to FGM and ECM are quite entrenched and powerful. Parents have considerable authority over when and whom their children will marry. The views and opinions of girls, are either marginalised or altogether excluded in marriage decision-making processes. In both FGM and ECM, consent has been made by others on the girl's behalf.

It is difficult to ascertain whether a woman 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,<sup>43</sup> consent is unequivocally absent.

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

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

Consent in an ECM arrangement is equally dubious<sup>44</sup> as there is also and almost always the troubling issue of full and free 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.<sup>45</sup> They have essentially become juvenile sex slaves.<sup>46</sup> ECM is customarily arranged by parents, sometimes involving promissory agreements between families whilst children are too young to conclude alliances.<sup>47</sup> The passive and subordinate role of women and girls within social life renders them especially 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. Child marriage is a setback to the fulfilment and maintenance of human rights, development, equality and the health and education of children. ECM 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 rights of men and women.<sup>48</sup> 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

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<sup>44</sup> Forced marriage - Child protection - Child rights.[www.protectingchildren.org.uk/.../forced-marriage](http://www.protectingchildren.org.uk/.../forced-marriage)

<sup>45</sup> [www.icrw.org](http://www.icrw.org), Child -marriage-facts-and-figures -

<sup>46</sup> Hilary Burrage, Eradicating FGM : A UK Perspective , (2015) at 53

<sup>47</sup> Child Marriage supra at 21

<sup>48</sup> 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.

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.<sup>49</sup> Equally ECM was identified by the Pan-African Forum against the Sexual Exploitation of Children as a type of commercial sexual exploitation of children<sup>50</sup>

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"<sup>51</sup>. 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 founded on discriminatory ideas about gender.<sup>52</sup> Further, in its General Comment no. 4, the CRC Committee elaborates that Article 2 of the CRC

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<sup>49</sup> 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

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

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

<sup>52</sup> CEDAW, General Recommendation 21



(which prohibits discrimination) should be interpreted as requiring specifically that the minimum age for marriage should be the same for both boys and girls.<sup>53</sup> The age difference 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<sup>42</sup> and the ICESCR Committee has also recommended that the legal minimum age of marriage be raised to 18.<sup>54</sup>

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 promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family”

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<sup>53</sup> CRC, General Comment 4

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

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 Convention on the Elimination of All Forms of Discrimination against Women 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. FGM violates a series of well-established human rights principles, norms and standards, including the principles of equality and 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. As it causes severe physical, reproductive and mental harm and sometimes can be lethal this interferes with a woman's right to physical integrity, privacy, and freedom from violence. As it mutilates 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.<sup>55</sup>

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.

By stressing that ECM and FGM are human rights violation 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. Most of all, the human rights perspective helps to frame ECM and FGM as gender based crimes against women and young vulnerable girls.

FGM and ECM are sordid and tragic examples of extreme GBV. 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

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<sup>55</sup> Eliminating Female genital mutilation/An interagency statement, [www.un.org/...](http://www.un.org/.../) An interagency statement

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 abhorrent introduction to sexual intercourse.

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 ruination<sup>56</sup> and in order to be married, women must be mutilated. It is at this juncture that the two most prevalent forms of GBV coalesces and solidifies the continuum practice of VAW. FGM contributes to ECM in some communities <sup>57</sup> as in some cases the practise of FGM is followed by ECM. <sup>58</sup>

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.<sup>59</sup> According to Human Rights Watch (HRW) girls from certain ethnic groups have 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.

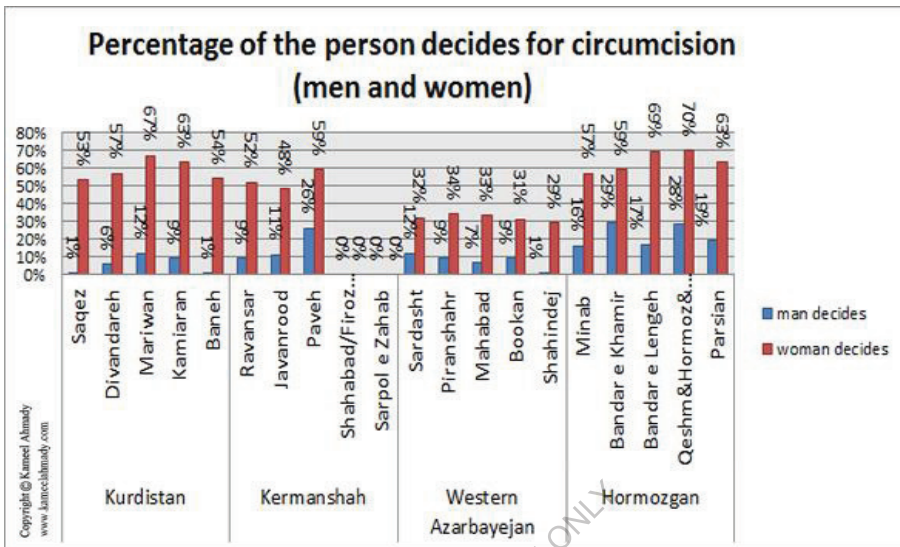
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<sup>56</sup> Lightfoot-Klein, Hanny. *Prisoners of ritual: An odyssey into female genital circumcision in Africa*. Haworth Press, Inc, 1989.

<sup>57</sup> Child Marriage and Human Rights Abuses in Tanzania, [www.hrw.org/report/2014/10/29/no-way-out/child...](http://www.hrw.org/report/2014/10/29/no-way-out/child...)

<sup>58</sup> Ibid

<sup>59</sup> FGM - [keepgirlssafe.org/fgm](http://keepgirlssafe.org/fgm)



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. 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 bride<sup>60</sup>.

ECM and FGM are also intractably linked to poverty and sexual vulnerability in which parents seek to protect their daughters from social and economic

<sup>60</sup> Moghadam, V. M. (2004). "Patriarchy in transition: Women and the Changing Family ,in the Middle East, Journal of Comparative Family Studies, pp. 137-162.

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.<sup>61</sup>

Poverty is a basic underlying driver for ECM and FGM. It is the most disadvantage girls those living in poverty, in rural area and with few prospects of empowerment who 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.<sup>62</sup> In some villages in central Kenya girls are a source of income and fetch 48 goats when they are married<sup>63</sup>. 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.<sup>64</sup> However, for these young girls the economic benefits are not felt as girls who marry young are more likely to be poor and stay poor<sup>65</sup> 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 for 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.<sup>66</sup> What actually takes place is not an escape from poverty but an increased

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<sup>61</sup> Child Marriage and Female Circumcision, *supra* at 21

<sup>62</sup> Ibid

<sup>63</sup> Ending FGM and Child Marriage in Kenya | plan-international.org/blog/2015/05/ending-fgm

<sup>64</sup> <https://www.yahoo.com/news/impoverished-families-flout-guatemalas-child-marriage-ban-experts-173137790.html>

<sup>65</sup> [www.girlsummitpledge.com](http://www.girlsummitpledge.com)

<sup>66</sup> EARLY MARRIAGE IN SOUTH ASIA - UNICEF [www.unicef.org/rosa/earlymarriage](http://www.unicef.org/rosa/earlymarriage)

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 a patriarchal social order that insists and depends on absolute male dominance and control over female sexuality. Begun as a practice to protect unwelcome sexual advances and to gain economic security, child marriage has undermined 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 that leave them vulnerable.<sup>67</sup> 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.<sup>68</sup>

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

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<sup>67</sup> WURN HIV AIDS Urgent UN call for Action to Protect Young Girls from HIV/ aids in Africa

<sup>68</sup> Caroline Sweetman, Violence against Women-Oxfam Focus on Gender, Oxfam 1998-P 29

undergone it are deprived both physically and psychologically of their sexuality<sup>69</sup>. 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<sup>70</sup>. For the same reasons that parents support FGM, parents support ECM i.e. to protect girls' sexually and reputations via marriage<sup>71</sup>. 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.<sup>72</sup> 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 provide less assistance in minimizing irritation and tearing of the genital membranes, and facilitating viral entry<sup>73</sup>.

Pain during intercourse and infertility are common obstetrical reproductive consequences of FGM.<sup>74</sup> 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 twenties<sup>75</sup>. The younger the girl is at the

<sup>69</sup> FGM New Zealand (2011) *Beliefs and Issues* - <http://fgm.co.nz/beliefs-and-issues/> Accessed August 15, 2016

<sup>70</sup> Hilary Burrage, *Eradicating FGM : A UK Perspective* , (2015) P 53

<sup>71</sup> 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>

<sup>72</sup> *Child%20Marriage%20and%20FGM%20in%20Ethiopia.pdf*-Accessed August 15, 2016

<sup>73</sup> Cutting the Rose, *supra* note 10, at 14.

<sup>74</sup> M. Elizabeth Duncan et al, *First Coitus before Menarche and the Risk of Sexual Transmitted Disease*, *Lancet*, vol. 335:338-340, (1990).

<sup>75</sup> *Female genital mutilation* - Royal College of. [www2.rcn.org.uk/\\_data/assets/pdf\\_file/0010/](http://www2.rcn.org.uk/_data/assets/pdf_file/0010/).

<sup>76</sup> *Young Women: Silence, and Susceptibility*, *supra* note 118, at 3-4



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.<sup>76</sup>

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 norm<sup>77</sup> depending on the type of FGM. One study showed an increase need to resuscitate 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 death<sup>78</sup>.

Girls in ECM are more likely to experience poor sexual and reproductive health as a result of general lack of information and education on sexual and reproductive health issues. In addition to their lack of power in relation to their husbands and

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<sup>76</sup> International Center for Research on Women "Too young to Wed. The Lives, Rights and Health of Young married Girls".

<sup>77</sup> Toubia, N (1994) Female Circumcision as a Public Health Issue *New England Journal of Medicine* 331: 712- 16

<sup>78</sup> Female genital mutilation - Royal College of. [www2.rcn.org.uk/\\_\\_data/assets/pdf\\_file/0010/](http://www2.rcn.org.uk/__data/assets/pdf_file/0010/).

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.<sup>79</sup> 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.<sup>80</sup> 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.<sup>81</sup> 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 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 number of 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

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<sup>79</sup> Whose Right to Choose? 7

<sup>80</sup> 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.

<sup>81</sup> Nour, Nawal M. "Health consequences of child marriage in Africa." *Emerging infectious diseases* 12.11 (2006).

attributed to the fact that ECM provides a longer period of sexual activity which results in couples having large numbers of children.

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.<sup>82</sup> 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 their dual grip of preserving male dominance and sustaining female subjugation. 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 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 between two people that establishes certain rights and obligations between them, their children, and their broader families.<sup>83</sup> Its core function is to bring unanimity and

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Thfo<sup>82</sup> Unicef (2005). Early Marriage: A Harmful Traditional Practice. Available at [http://www.unicef.org/publications/0les/Early\\_Marriage\\_12.lo.pdf](http://www.unicef.org/publications/0les/Early_Marriage_12.lo.pdf)

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

interdependence to maintain the familial affairs.<sup>84</sup> 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. 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.<sup>85</sup>

Polygynous unions remain a practice in many countries, particularly, although not exclusively, in Africa. 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.<sup>86</sup> 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). Poverty again is a factor as these unions are more common amongst women from the poorest 20 per cent of society than amongst women from the richest 20 per cent of society.

Lack of education strongly correlates with the practise of polygamy. The number of females in polygynous unions tends to decrease when the level of education increases. Women who had received no education were more likely to be in 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 compared to 9 per cent of women whose

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

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

<sup>86</sup> Canada Polygamist Church Sect Leader Says Underage Marriages Were Gods Will

partners are 10–14 years older and 20 per cent of women whose partners are 15 or more years older. There is also the unspoken strong sense of entitlement, boosted by a patriarchal society, to dominate their wives in all aspects of marriage which is best achieved through marrying a younger woman/girl. The age gap advantage often seen in ECM is necessary for securing male dominance in the household. 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<sup>87</sup>.

When viewed through the prisms 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" meant that polygamy violates the dignity of women and should be outlawed.<sup>88</sup> 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).

ECM paves the way to the narrative of polygamy. For females polygamy and ECM often means 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

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<sup>87</sup> Early Marriage: A Harmful Traditional Practice -..www.unicef.org/publications/files/Early\_Marriage\_

<sup>88</sup> "Equality of Rights Between Men and Women". University of Minnesota Human Rights Library.

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. 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. Females are relegated to an underclass value, mainly for domestic and reproductive labour.

The practise of polygamy has been an important focal point for researchers on early marriage as it is an intermediating variable with its strong negative correlations of domestic violence, high birth rates and 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.

It is worthwhile to note that similar to FGM, polygamy, ECM and household poverty are interrelated and rarely take place independently. It is also important to underscore 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<sup>89</sup>. The ritual of polygamy has an economic consequence as it not only increases family size but eventually maximizes the

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<sup>89</sup> Mapping Early Marriage in West Africa - Girls Not [www.girlsnotbrides.org/wp-content/uploads/2013/10/Ford](http://www.girlsnotbrides.org/wp-content/uploads/2013/10/Ford).

burden on parents, which in turn compels them to get rid of excessive constraints by placing their daughters in a pre-mature wedlock. ECM and polygamy are acts of unburdening and economic coping strategies.

ECM is also a predominant reason for extramarital affairs that leads to 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 means that many couples live apart. The pool of temptation has grown larger and is easier to dip into. Improved education and living standards means they have more financial freedom to do so. This has led to numerous cases of bigamy and polygamy. ECM and polygamy now take a crueler turn. In such cases the first wife, who was married as a minor, is often thrown out of the house or mistreated.

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. Polygamous marriages are made easier in rural areas where birth

certificates are often non-existent or not properly recorded.<sup>90</sup> Registration requirements are not preventing the occurrence of underage as polygamous marriages frequently takes place outside of formal legal systems. In addition, registration is so irregular that the true age at marriage may not be known. 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.<sup>91</sup> Considering that a marriage certificate is an important 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 excluded in the law where something seemingly simple 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. <sup>92</sup> According to a report by the *Girls Not Brides* "if there is no reduction in child marriage, the global number of child brides will reach 1.2 billion by 2050"<sup>93</sup>. However in terms of proportions and numbers, most child marriages take place in rural sub-Saharan Africa and South Asia. These two continents are considered to be the hub for the practice of ECM.

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<sup>90</sup> Early Marriage: A Harmful Traditional Practice: A Statistical Exploration, UNICEF, 2005

<sup>91</sup> Armstrong Ukwuoma -CHILD MARRIAGE IN NIGERIA: THE HEALTH HAZARDS AND SOCIO-LEGAL IMPLICATIONS-2014-  
<https://books.google.com.pk/books?>

<sup>92</sup> 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

<sup>93</sup> <http://www.girlsnotbrides.org/about-child-marriage/>



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 18<sup>94</sup>. In specific parts of West Africa, East Africa and South Asia, marriage before puberty is not unusual<sup>95</sup>. 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 marriages<sup>96</sup>.

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

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<sup>94</sup> Marrying Too Young, 2012, UNFPA, <https://www.unfpa.org/sites/default/files/pub-pdf/MarryingTooYoung.pdf>, Accessed 7/18/2016

<sup>95</sup> Pathfinder International, 2006. Women and girls' empowerment: Preventing early marriage. Available at [www.pathfinder.org](http://www.pathfinder.org). Accessed 18/07/2016.

<sup>96</sup> Clark, Shelley. In press. "Early marriage and HIV risks in sub-Saharan Africa," Studies in Family Planning

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 three decades ago<sup>97</sup>.

Despite gains, this rate of decline is not on an even keel or even keeping pace with the rate of population growth. 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 constant at around 50 per cent for the past three decades. If this persists, the number of child brides will increase substantially in the coming years as the population expands.<sup>98</sup> The rates of progress need to be scaled up simply to offset population growth in the countries where the practices are most common. High levels of child marriage amongst the poorest still persist<sup>99</sup>.

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 15<sup>th</sup> 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% respectively<sup>100</sup>.

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<sup>97</sup> Child marriage | Child protection from violence...[www.unicef.org/protection/57929\\_](http://www.unicef.org/protection/57929_)

<sup>98</sup> Ibid

<sup>99</sup> Child marriage | [www.unicef.org/protection/57929\\_](http://www.unicef.org/protection/57929_) A Profile of Child Marriage in Africa

<sup>100</sup> 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

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 and 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 15<sup>th</sup> 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 brides<sup>101</sup>. Today, there are an estimated 580 million teenage girls in the world of whom 88 % live in where 20,000 girls 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.

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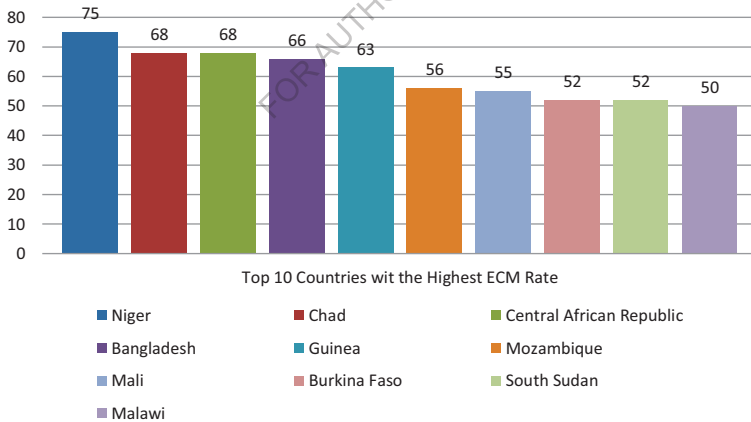
<sup>101</sup> Marrying Too Young, 2012, UNFPA, <https://www.unfpa.org/sites/default/files/pub-pdf/MarryingTooYoung.pdf>, Accessed 7/18/2016

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.<sup>102</sup>

*“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



<sup>102</sup> 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.<sup>103</sup> 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)<sup>104</sup>. Another quite renowned and well written report by the World Bank "Voice and Agency: Empowering Women and Girls for

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<sup>103</sup> 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](#)]

<sup>104</sup> 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]

Shared Prosperity" (2014) acknowledges the fact that the causes of child marriage are found to vary among regions<sup>105</sup>. 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 violence<sup>106</sup>. 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."<sup>107</sup> This is mainly seen in Bangladesh, Egypt, Jordan, Lebanon, Pakistan and Turkey.<sup>108</sup>

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<sup>105</sup> 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](http://www.worldbank.org/content/dam/Worldbank/document/Gender/Voice_and_agency_LOWRES.pdf) [Accessed 13-08-16]

<sup>106</sup> 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](http://www.worldbank.org/content/dam/Worldbank/document/Gender/Voice_and_agency_LOWRES.pdf) [Accessed 13-08-16]

<sup>107</sup> 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]

<sup>108</sup> 'Domestic Violence against Women and Girls' (2000), Innocenti Digest No. 6, UNICEF Innocenti Research Centre, Florence

Similarly UNFPA's report "*Marrying too young: End Child Marriage* (2012) also draws similar conclusions regarding ECM<sup>109</sup>. The report looks at the confluence of social factors and its impact on people from different regions who 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"<sup>110</sup>.

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

<sup>109</sup> 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]

<sup>110</sup> Kamla Saruo 2007-[http://newsblaze.com/thoughts/opinions/early-marriage-has-harmful-effects-on-women\\_2653/](http://newsblaze.com/thoughts/opinions/early-marriage-has-harmful-effects-on-women_2653/)

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 infected by their husbands<sup>111</sup>. 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 the restriction of her psychosocial and emotional well-being are curtailed. There have been some studies that indicate marrying later in life reap 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 girls<sup>112</sup>. The World Bank also states that marrying later and receiving all such benefits contribute to a better welfare and combating poverty in societies<sup>113</sup>. 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.

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<sup>111</sup> The Inter-African Committee on Traditional Practices Affecting the Health of Women and Children, Newsletter, Early Marriage in South Asia, December 2003.

<sup>112</sup> 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](http://www.unicef.org/sowc2011/pdfs/SOWC-2011-Main-Report_EN_02092011.pdf) [Accessed 13-08-16]

<sup>113</sup> 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 unregistered<sup>114</sup>, 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 side there is a more modern actively aged generation who puts off marriage until later in life. Contributing factors such as gradual relative development, acquired modern lifestyle and personal economic considerations have led the young generation to delay marriage to until they are older. Additionally better educated and better-off urban dwellers may have assimilated the norms of the industrialized world that include delaying marriage and child bearing. On the other side 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 of engaging in sexual relations. Engaging in sexual intercourse outside of marriage is problematic, particularly as there are no other culturally sanctioned way of interacting with the opposite sex. The sexes rarely co-mingle. Thus, the populace is encouraged to marry very young in order to legitimately

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<sup>114</sup>UNICEF- Birth Registration in Iran-An analysis of the state of relevant laws in Iran

engage in sexual intercourse and obey and maintain social order and control. 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 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



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

### CHILD MARRIAGE RECORDS IN IRAN

Available government official statistics<sup>115</sup> indicate that more than 7.7 % of girls in Tehran and 40 % in Sistan and Baluchistan 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 %, respectively<sup>116</sup>. According to the 2015 census in Iran, the highest number of registered marriages pertained to women who were 15–19 years of

<sup>115</sup> <http://www.sabteahval.ir/>

<sup>116</sup> 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.

age<sup>117</sup>. Equally the latest available data on marriage frequency in 2014, showed that the total marriage cases for boys and girls under 18 years of age have been 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 between March 2010 and March 2011. 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.<sup>118</sup>

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

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<sup>117</sup>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>

<sup>118</sup>Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

region to marry before age 18.<sup>119</sup> 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 506 times, showing 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 range<sup>120</sup>. As it will be further examine in the next chapter, divorce is another 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.

### **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 as a Middle Eastern country 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 Arabic culture that has been embedded and adopted in

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<sup>119</sup> Child marriage | Child protection from violence...[www.unicef.org/protection/57929\\_58008.html](http://www.unicef.org/protection/57929_58008.html)

<sup>120</sup> Industry world, The Condition of Registering marriage of girls under 15 years of age

Iran's history. Therefore we must look at the intricacies of the Arabic world in order to comprehend the historical roots of child marriage in Iran.

Arabic countries are geographically located where the high climate has been put forth as one major reason in precocious puberty development in



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

young girls and boys. Most religious leader and clerics have echoed this school of thought that the hot tropical climate is responsible for spurring early puberty development which in turn triggers sexual desire. As religious leaders' commands and statements are exemplified as a model 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 the people in South and East of Iran. Our interviews recorded in a recent study on FGM in these provinces show how commonplace is this belief that early puberty development has further justified why ECM has become a widely acceptable social tradition.

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.

In the Arabic Islamic culture the emphasis on virginity is crucial. Virginity and chastity play an imperative role not only in a young girl's life but also in the family's dignity in social relationships. The sexuality of female children 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.<sup>121</sup> 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 first 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 different hymen physiology shapes) mistrust and suspicion can spur family disputes. This distrust can conceivably become a

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<sup>121</sup> What Causes Early Marriage? - Bell Bajaowww.bellbajao.org/what-causes-early-marriage

lifelong hindrance for the young girl. In some cases the lack of blood results in returning the bride to her family the next day 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 their marriage.

## **DISCUSSION**

The aim of this chapter is to increase the awareness of the underlying causes of child marriage, by glancing at Iran a populace 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.

Influential indicating factors that contribute to the occurrence of ECM are provided in the analytical model of this study that is discussed in detail in the next chapter. These independent variables are cultural capital (including norms and traditions), religious beliefs, social position, and economic capital and education levels. Control variables are gender and areas of residency. Early marriage also assumes the role of independent variables for dependent variables that appear in the presented model. Those dependent and independent variables

are domestic violence, cultural poverty, economic poverty, and hygiene and health risks.

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. Further understanding on the interplay of the roller coaster variables of age, childhood, religion and outside structural social forces such as war and humanitarian crisis and sustained poverty that serve to reinforce and validate ECM which in turn has an impact on mental health and access to education are discussed in the subsequent chapter.

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## 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 provision stipulate this well-worn statement of consent these legal provisions are insufficient shields against ECM unless they can be referenced with a minimum age of marriage. It is difficult to conceptualise that an 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 acknowledged<sup>122</sup>. The widespread presumption is that people marry for a range of reasons relating to sexuality, reproduction, kinship, companionship, religion, culture, and economic well-being. Despite its universal presumptions and acceptance what has been noted are the social trends and attitudes to marriage that have changed dramatically over the past 100 years. Nowhere is this more evident than the changing attitude towards the age at which people can marry. Such legal restrictions on the age at which someone can

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<sup>122</sup>Haviland, William A.; Prins, Harald E. L.; McBride, Bunny; Walrath, Dana (2011). *Cultural Anthropology: The Human Challenge* (13th ed.). Cengage Learning.

marry are common in many countries, even if the specific age differs from country to country.<sup>123</sup>

Historically, marriage that took place at a relatively young age was 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. 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.<sup>124</sup>

## **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 a relatively young dwindling population. However whatever the rationale for

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<sup>123</sup> 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>

<sup>124</sup> The age at marriage of migrants during the ...[www.sciencedirect.com](http://www.sciencedirect.com),

ECM one thing that is certain: the average life span is much longer and if this served a justification for early marriage at one time, it is no longer the case.

In ancient and medieval societies, it was common for girls to be betrothed at or even before puberty<sup>125</sup> often at the behest of their fathers. For example, in ancient Israel 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.<sup>126</sup>

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, nor 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.<sup>127</sup>

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<sup>125</sup> Abgeliki Laiou (1993), *Coercion to sex and marriage in ancient and medieval societies*, Washington, DC, pp 85-190

<sup>126</sup> M.A. Friedman (1980), *Jewish Marriage in Palestine*, Vol 1, The Jewish Theological Seminary of America

<sup>127</sup> 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.<sup>128</sup> 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.<sup>129</sup> In the Middle Ages under English civil laws, marriages before the age of 16 were commonplace. In Imperial China, child marriage was also commonplace.<sup>130</sup> Studies and pertinent other sources revealed 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 in the world what is noted is the augmentation in the minimum marriage age.

## AGE

Although age acts as a barrier which the marriage of a child is considered unacceptable, in many ECM practising society's age is often not an attained numerical reference but a reference 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 persist in being preeminent for determining when girls are perceived mature enough for marriage, much more so than for boys. Women's readiness for marriage is defined by the onset of

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<sup>128</sup> Nancy Demand (199d4), *Birth, Death, and Motherhood in Classical Greece*, Johns Hopkins University Press, pages 101-104

<sup>129</sup> Dahl, GB (2010). "Early Teen Marriage and Future Poverty". *Demography*. 47: 689–718.

<sup>130</sup> Zhao, Z. (1997). "Demographic systems in historic China: some new findings from recent research". *Journal of the Australian Population Association*

menstruation, and men's 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. 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<sup>131</sup>. 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.

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

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<sup>131</sup> 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.

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.<sup>132</sup>

## 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.<sup>133</sup> With 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 year 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.<sup>134</sup> In France, under the Napoleonic Code the age of consent was set in 1832 at 11<sup>135</sup>, raised to 13 in 1863<sup>136</sup> and increased to 15 in 1945.<sup>137</sup> In 1822 in Spain, it was set at the nebulous "puberty age",

<sup>132</sup>

<sup>133</sup> Robertson, Stephen. "Children and Youth in History - Age of Consent Laws". George Mason University. Retrieved 29 June 2015.

<sup>134</sup> 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

<sup>135</sup> "Loi du 28 avril 1832 CONTENANT DES MODIFICATIONS AU CODE PENAL ET AU CODE D'INSTRUCTION CRIMINELLE - Legifrance". Retrieved 29 June 2015

<sup>136</sup> "Loi du 13 mai 1863 PORTANT MODIFICATION DE PLUSIEURS ARTICLES DU CODE PENAL - Legifrance". Retrieved 29 June 2015.

<sup>137</sup> "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.

modified to 12 in 1870,<sup>138</sup> until 1999, when it was raised to the age of 13.<sup>139</sup> In 2015 it was raised to 16.<sup>140</sup>

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.<sup>141</sup>

## **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 also set a legal age for sexual consent

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<sup>138</sup> "Código penal reformado". sirio.ua.es. 17 June 1870. Retrieved 29 June 2015

<sup>139</sup> "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.

<sup>140</sup> "Disposición 3439 del BOE núm" (PDF). 31 March 2015. Retrieved 25 August 2015.

<sup>141</sup> 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](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).

within the range of 14 to 18.<sup>142</sup> Even though numerous laws have also been enacted to establish the age where it is illegal to engage in sexual activity, it has sometimes been used with other meanings, such as the age at which a person becomes competent to consent to a marriage.<sup>143</sup> 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 are above 18 years of age.

## **MINIMUM AGE IN MIDDLE EAST**

In Kuwait and Libya, the age at which women marry 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 to 1 and 5 per cent %, respectively.<sup>144</sup> Ethiopia's Revised Family Code of 2000 established the legal minimum age at marriage (LMAM) at 18 years and required that both spouses give free and full consent. The New Criminal Code

<sup>142</sup> Waites, Matthew (2005). *The Age of Consent: Young People, Sexuality and Citizenship*. Palgrave Macmillan. ISBN 1-4039-2173-3. OCLC 238887395

<sup>143</sup> Oxford English Dictionary, entry for "age of consent"

<sup>144</sup> 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*



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.

Many Muslim societies such as Algeria, Oman, and Tunisia have set the age of 18 as the legal minimum age of marriage.<sup>145</sup> 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.<sup>146</sup> As there is no legal minimum age for marriage in Saudi Arabia, puberty becomes the determinative 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.<sup>147</sup> 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, sex

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<sup>145</sup> 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

<sup>146</sup> Husain Al-Hakami and Kenneth McLaughlin, *Debatable Marriages: Marriage and Child Marriage in Saudi Arabia*, MARRIAGE & FAMILY REVIEW, page9. <http://dx.doi.org/10.1080/01494929.2016.1157119>

<sup>147</sup> 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>.

with an underage girl is culturally sanctioned in Islamic societies but considered illegal and immoral in Western societies<sup>148</sup>

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 Asia<sup>149</sup> Poignantly, the age of the child become irrelevant as social upheavals such as humanitarian crises, war and conflict sustain ECM.

### ECM in HUMANITARIAN OR NATURAL DISASTERS CRISIS

In humanitarian crises, conflict or natural disasters, ECMs rates increase noticeably. The interrelatedness of ECM with poverty, conflict, and violence<sup>150</sup>

*“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*

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 hardships consider child marriages as the only available coping mechanism to mitigate conflict and violence. It is worth mentioning that child marriages are

<sup>148</sup> 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>

<sup>149</sup> International Family Planning Perspectives, 22:148–157 & 175, 1996

<sup>150</sup> 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

starkly present in eight countries which are considered to be volatile and fragile states.

The complex connections and mutually reinforcing relationship between gender inequality and fragile and conflict affected states (FCAS) has been recognised. SAHL countries<sup>151</sup> 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 remains stuck at the UN Human Development Index. Women are particularly disadvantageous by a number of intertwined factors such as the regions extreme and highly patriarchal social structures.<sup>152</sup>

In a released paper by the Council on Foreign Relations, titled "*Fragile States, Fragile Lives: Child Marriage Amid Disaster and Conflict*",<sup>153</sup> the relationship between child marriage prevalence rates and fragile states was equally explored. Existing data and qualitative evidence points 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,

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<sup>151</sup> 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.

<sup>152</sup> Clare Castillejo, Sahel Region of Africa Gender inequality and stae Fragility in the African Sahel kAHL

<sup>153</sup> Child Marriage in Fragile States - Council on...[www.cfr.org/global/fragile-states-fragile-lives/p33093](http://www.cfr.org/global/fragile-states-fragile-lives/p33093)

already pivotal factors in ECM, become even more entrenched in times of war and conflict.<sup>154</sup>

### **ECM in WAR and CONFLICT**

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.

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<sup>154</sup> Ibid.

Child marriage continues to be a grim worldwide reality for many young girls due to war and conflict. Weakened infrastructures, frayed social fabrics and increased occurrences 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 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

*"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'*

disproportionate burden women and children bear during armed conflict.<sup>155</sup> 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 the war related dangers. ECM takes on a new significance. *A Save the Children study*

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<sup>155</sup> Fragile states, fragile lives: Child marriage amid...[www.girlsnotbrides.org/fragile-states-fragile-lives](http://www.girlsnotbrides.org/fragile-states-fragile-lives)

cites “increasing reports of early marriage as parents take desperate measures to ‘protect’ their daughters from sexual violence.<sup>156</sup> 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 family honour.<sup>157</sup> 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.<sup>158</sup> Additionally, families in Liberia and Sierra Leone have reportedly turned to ECM due to economic destitution and the violence in refugee camps.<sup>159</sup> ECM has become an ever-growing threat for girls in Syria, and for girls in refugee communities in Jordan, Lebanon, Iraq and Egypt.

## SYRIA

Syria is a conspicuous example of how ECM thrives during war 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

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<sup>156</sup> Save the Children, “Unspeakable Crimes Against Children: Sexual Violence in Conflict,” 2013.

<sup>157</sup> The World Bank, “Girls’ Education in the 21st Century,” 2008, <http://siteresources.worldbank.org>.

<sup>158</sup> UNICEF. 2005. The State of the World’s Children 2005. UNICEF: New York, NY.

[http://www.unicef.org/sowc05/english/sowc05\\_chapters.pdf](http://www.unicef.org/sowc05/english/sowc05_chapters.pdf)

<sup>159</sup> Ibid.

militants from ISIS.<sup>160</sup> 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.<sup>161</sup>

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.<sup>162</sup> 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.”<sup>163</sup> As voiced by women and girls refugees, the fear of rape is cited as one of the main reasons for fleeing Syria.<sup>164</sup> But sexual violence has gone largely undocumented given its social stigma and barriers to appropriate psychosocial and medical resources.<sup>165</sup>

Before the Syrian conflict, 13% of Syrian women aged 20 to 25 were married before their 18th birthday.<sup>166</sup> 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.<sup>167</sup> 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 2014<sup>168</sup>. The Syrian crisis has exacerbated pressure on children and their parents to

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<sup>160</sup> 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)

<sup>161</sup> Care, To Protect Her Honour: Child Marriage in Emergencies – The Fatal Confusion Between Protecting Girls and Sexual Violence, 2015

<sup>162</sup> Ibid.

<sup>163</sup> 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>

<sup>164</sup> Ibid., p. 10

<sup>165</sup> Ibid., p. 8

<sup>166</sup> 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

<sup>167</sup> Too Young to Wed | Save the Children UK, [www.savethechildren.org.uk/.../too-young-wed](http://www.savethechildren.org.uk/.../too-young-wed)

<sup>168</sup> UNICEF, A Study on Early Marriage in Jordan, 2014

hastily arrange marriages for their underage daughters.<sup>169</sup> 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.<sup>170</sup>

A growing number of Syrian girls are reportedly married off in order to generate income for their poor refugee families.<sup>171</sup> 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.<sup>172</sup> 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 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.<sup>173</sup> This has created an administrative nightmare. As many refugees are caught up in the ongoing 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

<sup>169</sup> Too Young to Wed | Save the Children UK [www.savethechildren.org.uk/.../too-young-wed](http://www.savethechildren.org.uk/.../too-young-wed)

<sup>170</sup> 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

<sup>171</sup> Sheera Frenkel, “Teenage Syrian Girls Are Being Sold Into Forced Marriages To Save Their Families,” BuzzFeed, May 20, 2014, <http://www.buzzfeed.com>

<sup>172</sup> UN Women, “Gender-Based Violence and Child Protection Among Syrian Refugees in Jordan, with a Focus on Early Marriage,” 2013, <http://www.unwomen.org>

<sup>173</sup> Hoda Rashad et al., “Marriage in the Arab World,” Population Reference Bureau, 2005, [http://www.prb.org/pdf05/marriageinarabworld\\_eng.pdf](http://www.prb.org/pdf05/marriageinarabworld_eng.pdf)



therefore leave women and young girls vulnerable, especially in times of divorce or separation.<sup>174</sup>

## LEBANON

Since the start of the Syrian civil war, several organisations and agencies have attempted to draw attention to the increase number of ECMs amongst Syrian refugees in Lebanon. In 2014 a UN survey warned that ECM marriage has become prevalent 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.<sup>175</sup> As historically there is a close relationship between Lebanon and Syria, Syrian families tend to marry their daughters to Syrian or Lebanese boys.<sup>176</sup>

## 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 childbearing<sup>177</sup>. 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

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<sup>174</sup> 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

<sup>175</sup> Many child marriages among Syrian refugees driven...[www.middleeasteye.net/in-depth/features/early-marriage](http://www.middleeasteye.net/in-depth/features/early-marriage).

<sup>176</sup> Ibid.

<sup>177</sup> Study provides rare evidence on effect of Iraq War...[www.news-medical.net/news/20141216](http://www.news-medical.net/news/20141216)

amongst less-educated adolescents.<sup>178</sup> The World Bank has also noted that “rates of early marriage and teen pregnancy tend to be particularly high in insecure environments.”<sup>179</sup>

## REFUGEE CAMPS

Child marriage has also reportedly increased in camps of Syrian refugees 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.”<sup>180</sup> Naturally one can reasonably assume that 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.<sup>181</sup> 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.<sup>182</sup> The marriages of Syrian refugee women in Za’atari refugee camps to Jordanian husbands who live outside the camp are viewed as means of curing a sponsorship and living in a host community. Additionally some Syrian girls were forced into an ECM before

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<sup>178</sup> *supra*

<sup>179</sup> The World Bank, “Girls’ Education in the 21st Century,” 2008, <http://siteresources.worldbank.org>.

<sup>180</sup> Lisa Davis, “Seeking Accountability,” p. 12

<sup>181</sup> UNICEF, A Study on Early Marriage in Jordan, 2014

<sup>182</sup> Save the Children, Too Young To Wed: The growing problem of child marriage among Syrian girls in Jordan, 2014

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.<sup>183</sup>

## **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.<sup>184</sup> They live primarily in the Nineveh province of Iraq but also in other communities in Armenia, Georgia, Turkey, Iran, and Syria.

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.<sup>185</sup> ISIS' litany of horrific crimes against the Yezidis in Iraq carried on as stories of forced religious conversions and ECMs emerged.<sup>186</sup> 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 vast majority of ISIS prisoners were Yezidis men, women, and children held captive in formal and makeshift detention facilities in Iraq and Syria.

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<sup>183</sup> Too Young to Wed | Save the Children UK, [www.savethechildren.org.uk/.../too-young-wed](http://www.savethechildren.org.uk/.../too-young-wed)

<sup>184</sup> "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.

<sup>185</sup> Loveday Morris. "Islamic State seizes town of Sinjar, pushing out Kurds and sending Yazidis fleeing". The Washington Post. Retrieved 3 July 2015.

<sup>186</sup> [www.hrw.org](http://www.hrw.org) iraq-forced-marriage-conversion- yezidi

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.<sup>187</sup> 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.<sup>188</sup> 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.<sup>189</sup> Girls as young as ten<sup>190</sup> were married off to fighters. These ECMs are often temporary marriages as once the fighters had sex with the young girls, they were passed on to other fighters.<sup>191</sup> Some had been sold in markets in Mosul and in Raqqa, Syria carrying price tags.<sup>192</sup> Women and girls have become commodities that are recycled and resold.

*Human Rights Watch* has stated the precise number of women and girls being enslaved and forced into marriage is unknown.<sup>193</sup> 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.<sup>194</sup>

<sup>187</sup> Iraq Forced Marriage, Conversion for Yezidis forced-marriage-conversion- October 2014.WWW/hrw.org

<sup>188</sup> Islamic State crisis: Yazidi anger at Iraq's forgotten people". BBC News. Retrieved 23 December 2014.

<sup>189</sup> Humiliation replaces fear for the women kidnapped... www.theguardian.com 19 October 2014

<sup>190</sup> Ibid.

<sup>191</sup> Brekke, Kira (8 September 2014). "ISIS Is Attacking Women, And Nobody Is Talking About It". The Huffington Post. Retrieved 11 September 2014.

<sup>192</sup> Ivan Watson, "'Treated like cattle': Yazidi women sold, raped, enslaved by ISIS", CNN, 30 October 2014.

<sup>193</sup> Supra at 35

<sup>194</sup> Iraq: Yazidi women and girls face harrowing sexual...www.amnesty.org/en/latest/news/2014/12/iraq.

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 further vulnerable to exploitation.

### **THE ROLE OF RELIGION**

With all the complexities about age and evolving notions of maturity, 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 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 laws 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. Many of the established religions' teachings are influential. Often the religious teachings discard individual rights and autonomy and give way to mechanical adherence. So powerful and entrenched is the gripping role of religion that even parenthood *gives way* to religious adherence leading to the ownership of the child. Most religions influence the age of consent and marriage.

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 success<sup>195</sup>. 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

The Islamic religion plays a powerful role in legitimising 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

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<sup>195</sup> "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.

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 dominates the realm of family law, provides limited protection for girls and women.<sup>196</sup>

**"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*

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*)<sup>197</sup>. For instance according to Islamic laws an infant girl can be married to any man with her father's approval.<sup>198</sup> The word "teenager" does not exist in Islamic literature, and in Islamic law the term "youth" is not included as a specific category.<sup>199</sup> 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 that marriage or reject it. If the girl refuses

<sup>196</sup> Iraq - Child Marriage Around The World. Girls Not Brides [www.girlsnotbrides.org/child-marriage/iraq](http://www.girlsnotbrides.org/child-marriage/iraq)

<sup>197</sup> 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.

<sup>198</sup> Rouhollah Khomeini, Tahrir Al-vasile, Translated by Seyed Muhammed Baqer Hamedani, Vol 4, book of questioning nekah 12.

<sup>199</sup> 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

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.

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 does not elaborate on a definition of 'puberty') In April 2014, the Council 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.<sup>200</sup>

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 formation or start of a sexual relationship, something that is forbidden outside of marriage<sup>201</sup>.

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<sup>200</sup> 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)

<sup>201</sup> 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>.



## CHILDHOOD AS A SOCIAL VARIABLES

Views of childhood have changed throughout history according to different societies' perspectives. A societies' perception of childhood is often hinged to various socio-economic and cultural realities

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. 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 society in which they live.<sup>202</sup>

Indeed, 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 little understanding of childhood as a concept, and children were seen as "little adults". From 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.<sup>203</sup> 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.<sup>204</sup>

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<sup>202</sup> Different cultures, different childhoods -[www.open.edu/.../different-cultures-different-childhood](http://www.open.edu/.../different-cultures-different-childhood)

<sup>203</sup> 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.

<sup>204</sup> Savitri Goonesekere, Children, Law and Justice: A South Asian Perspective, 1997

In many practising ECM societies, autonomy and independence that naturally emerges 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-being and the need to be autonomous. 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.

ECM conveniently squashes out the normal childhood adolescent period, quenching the sparks of autonomy and strangling the developing sense of self.<sup>205</sup> A young girl of twelve and a half is already considered an adult in all respects<sup>206</sup>

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 their experience is simply an unquestioned social repetition of what their mothers and elder sisters experienced for generations and is therefore an acceptable culture practice.

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<sup>205</sup> Early marriage - Unicef [www.unicef.org/sowc06/profiles/marriage.php](http://www.unicef.org/sowc06/profiles/marriage.php)

<sup>206</sup> Ruth Lamdan: *A Separate People: Jewish Women in Palestine, Syria, and Egypt in the sixteenth Century*, p. 47. Leiden, 2000

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



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

quite evident from the fact that countries/regions where girls have equitable access to education, capacity building and employment opportunities, early marriages are rare<sup>207</sup>. 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% only<sup>208</sup>.”

## EXCHANGING WOMEN

Since colonial times the exchange of women as a selling and buying commodity has been a common practice amongst traditional families<sup>209</sup>. Traditionally exchanging women was a conflict resolution strategy. The peace agreement was sealed by exchanging women between the two opposing tribes and usually

<sup>207</sup> Caroline Sweetman, 2003-Gender, Development and Marriage Oxfam focus on gender

<sup>208</sup> Caroline Sweetman, 2003-Gender, Development and Marriage Oxfam focus on gender

<sup>209</sup> Annie Bunting, Benjamin N. Lawrance, Richard L. Roberts- Marriage by Force?: Contestation over Consent and Coercion in Africa- Ohio University Press, 2016

without the approval of the men or women.<sup>210</sup> 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."<sup>211</sup> 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 women is principally seen 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. 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 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 is, in view of the Child Marriage Restraint Act of 1929, incompetent to contract a marriage. Although the law in theory does not permit the marriage of a girl below the age of 16 years, if any girl below the age of 16 years marries in violation of that law, the marriage itself does not become invalid on that score, 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.

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<sup>210</sup> 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.

<sup>211</sup> 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.

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 time 438,000 underage girls have been married. In November 2016 Turkey proposed a bill that would pardon men convicted of sex with underage girls if they have married 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 in to 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

*"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*

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<sup>212</sup>

## ARRANGED AND FORCED MARRIAGE

Marriages throughout history have been arranged between families, especially before the 18th century. 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 absence in a forced marriage

*"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*

<sup>212</sup> <http://www.bbc.com/news/world-europe-38061785>

According to international standards, marriage is only valid when it is entered into with the 'free and full consent' of both parties to the marriage.<sup>213</sup> 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 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

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<sup>213</sup> International Covenant on Civil and Political Rights, Article 23(2)

As the overwhelming majority of child marriages are family-arranged<sup>214</sup>, many of the arrangements are made by people in a position of power over children and adolescents, especially parents, guardians, and community members. In the Arab



*"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*



and Middle Eastern societies, it is far more common for marriages to be familial homogenous, that is to people to marry within their own family in comparison to traditional Western societies. 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). Nevertheless, in the Western world marrying within one's own family is increasingly rare.

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.<sup>215</sup> It is not uncommon

<sup>214</sup> 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.

<sup>215</sup> 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



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), emotional (emotional blackmail and psychological (the girl is made to 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 practising communities where girls and women lack power and opportunities to access support or redress when they are in a coercive situation, forced marriages will be very difficult to resist. On the day of the ceremony, it is extremely difficult, 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 and 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 marriage<sup>216</sup>. 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.

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.

*"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*

<sup>216</sup> Foreign and Commonwealth Office & Home Office. (2005). *Forced marriage: A wrong not a right*. London, UK: Home Office. Gangoli, G., & Chantler, K. (2009).

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 type of domestic violence that can involve both children and adults<sup>217</sup>.

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 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 services to delay the birth of their children. Gargantuan age differences between spouses, limited social supports due to her

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<sup>217</sup> Gangoli, G., & Chantler, K. (2009). Protecting victims of forced marriage: Is age a protective factor? *Feminist Legal Studies*, 17, 267–288.

limited communication, lack of age appropriate peer bonding, low or absence of 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 is traumatic. Their traumas are often callously regarded as an unavoidable part of life.<sup>218</sup> 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.<sup>219</sup> 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

<sup>218</sup> 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

<sup>219</sup> 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](http://www.jahonline.org)

the 12-month rates 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.<sup>220, 221</sup> 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.<sup>222</sup> 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, but many go unreported. Many of

<sup>220</sup> Blum R, Sudhinaraset M, Emerson MR. Youth at risk: Suicidal thought and attempts in Vietnam, China, and Taiwan. *J Adolesc Health* 2012;50: s37e44.

<sup>221</sup> 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.

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.<sup>223</sup>

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.

## 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.<sup>224</sup> Young girls often married off young because of lack of alternatives.

Educating girls and women is critical to economic development. Female education creates powerful poverty-reducing synergies and yields enormous intergenerational gains. It is positively correlated with increased economic productivity, more robust labour markets, higher earnings, and improved societal health

*"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 9<sup>th</sup> grade when they engaged me and told me to stop studying.*  
Zahra, 28  
Heris Village, East Azarbaijan province

<sup>223</sup> <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/>

<sup>224</sup> 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

and well-being.<sup>225</sup> Undoubtedly encouraging employment opportunities for women in non-traditional occupations also helps to promote girls' education and postpone marriage. All else being equal, such positive benefits should have the effect of cajoling parents 'support for their daughters' education. 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. Unfettered access to free and compulsory education until the minimum age for entry to employment is a critical factor in the war on child marriage

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. 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<sup>226</sup> More than half of Cameroonian girls who have no education are already married compared to 9% of girls with a secondary education.<sup>227</sup> 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. 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.

<sup>225</sup> The World Bank, "Girls' Education in the 21st Century," 2008, <http://siteresources.worldbank.org>.

<sup>226</sup> Child Marriage and Domestic Violence- ICRW Education and Action Towards Ending Child Marriage.

<sup>227</sup> WURN Cameroon New rules to Help Child Marriage in Cameroon

This lack of education and social skills decrease girl's power in their society and restrict 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.<sup>228</sup>

Once married, young girls find it daunting to stay in school. ECM spells an end to their formal education as most drop out of school 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.<sup>229</sup> As ECM impedes a young girls' ability to continue with her education following marriage<sup>230</sup> 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 another cadre of children to repeat the intergenerational cycle of early marriages.<sup>231</sup> 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.

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<sup>228</sup> International Center for Research in Women (2005), *Too young to wed: education & action toward ending child marriage*. Washington DC

<sup>229</sup> 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

<sup>230</sup> 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

<sup>231</sup> Tan Micheal, 2004-Child Brides



The Concluding Observations of the Committee on CRC Relating to Child Marriage in its concluding observations on ECM marriages noted the persistent discriminatory attitudes towards girls, as reflected in the prevailing preference for males, the persistence of early marriages, the notably 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<sup>232</sup>

The Convention on the Rights of the Child<sup>233</sup>, 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.

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<sup>232</sup> Committee on the Rights of the Child, Concluding observations on Nepal, Twelfth session, 1996, (CRC/C/15/Add.57)

<sup>233</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/049/70/PDF/G1604970.pdf?OpenElement>

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

- 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 agenda<sup>234</sup>
- In 2014 the UN's Commission on the Status of Women issued a document in which they agreed, amongst other things, to eliminate child marriage<sup>235</sup>
- 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 marriages<sup>236</sup>

While the Islamic Republic of Iran is party to the vast majority of relevant international instruments, some of its national codes and laws legalize forced

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<sup>234</sup> Girls Not Brides (2013-09-27). "States adopt first-ever resolution on child, early and forced marriage at Human Rights Council". Girls Not Brides.

<sup>235</sup> Liz Ford. "Campaigners welcome 'milestone' agreement at UN gender equality talks | Global development". The Guardian.

<sup>236</sup> 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

and early marriages with children <sup>237</sup> clearly contradicting its treaties commitments.

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 human development.

## **EDUCATION AND SOCIO CULTURE INFRASTURE**

Customs and traditions are an integral component of many societies. The curtailing 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 is 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 possible<sup>238</sup>. This has caused girls to be married in haste, or rather be the unwilling participation in an ECM whilst very young. The curtailing 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

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<sup>237</sup> Iran - Child Marriage Around The World. Girls Not ...[www.girlsnotbrides.org/child-marriage/iran](http://www.girlsnotbrides.org/child-marriage/iran)Violations of girls' rights: child marriage and FGM in the I.R. Iran

<sup>238</sup> Child Marriage - Child Rights and You [www.cry.org](http://www.cry.org) › Rights To Know

are raised confined to household occupations and are expected to marry very young.<sup>239</sup> Education is not a factor in their lives.

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.<sup>240</sup> It should be noted however, that most young women who married at a very early age had never been to school. 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.<sup>241</sup> 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.<sup>242</sup> 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.

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<sup>239</sup> Jones, Gavin (1997), 'Population Dynamics and Their Impact on Adolescents in the ESCAP Region', in Asia-Pacific Population Journal, vol. 12, No. 3

<sup>240</sup> Report "Early Marriage: Child Spouses" -...[www.unicef-irc.org/publications/pdf/digest7e.pdf](http://www.unicef-irc.org/publications/pdf/digest7e.pdf)

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<sup>242</sup> Early Marriage, Marital Relations and Intimate...[www.guttmacher.org/about/journals/ipsrh/2013/04](http://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 the gesture of a girl who plucks her eyebrows whilst she is still in school is interpreted as a sign of getting married. This spells the end of her education as she is expelled from school by the head teacher.<sup>243</sup> In contrast, eastern countries in Asia such as Taiwan, South Korea and Thailand have eradicated early marriages for girls by economic growth, job creation, education opportunities and decreased birth and death rates<sup>244</sup>

### **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. ECM is often linked to wife abandonment, as shown by its twin association with divorce and separation.<sup>245</sup>

Divorce or abandonment often plunges these young girls into poverty, as the girls usually assume the sole responsibility for dependent children. As in the vast majority of cases young and under-educated married girls have few, if any, income-generating skills thus making her poverty more acute.<sup>246</sup> 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

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<sup>243</sup> Pucking, Trimming, Shaping, Shaving and Bleaching...[www.central-mosque.com](http://www.central-mosque.com)

<sup>244</sup> Lotfi, Razie (1389), side effects of early marriages, female and health FAZLNAME, no.2

<sup>245</sup> Bruce, J., C.B. Lloyd and A. Leonard (1995), Families in Focus: New Perspectives on Mothers, Fathers and Children, The Population Council, New York.

<sup>246</sup> Report "Early Marriage: Child Spouses" -[www.unicef-irc.org/publications/Early marriage child spouse](http://www.unicef-irc.org/publications/Early%20marriage%20child%20spouse)

marry later.<sup>247</sup> Societies which practices ECM are more inclined have more child and early widows.

Divorced is highly problematic. 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."<sup>248</sup> An example of a recent examples of denial of this tragic phenomena is the recently enacted decision of not publishing the divorce statistics and rates in Iran. Even though the divorce rates in Iran have increased by 74 per cent within the last decade, the Iranian government has not addressed these above mentioned issues or even looked into the underlying causes of this statistical surge.

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.

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<sup>247</sup> Gaffney-Rhys, Ruth (2011). "International Law as an Instrument to Combat Child Marriage". *The International Journal of Human Rights*. 15: 359–373

<sup>248</sup> <http://www.scoda.ir>

The research experience of the Iran Initiative on FGM/C in Iran project <sup>249</sup>showed not only how much more needs to be done in terms of addressing the obvious but also the need for government action. Usually cultural considerations have always been taken into account when general policies decisions are made. ECM as an urgent public and social issue has yet to be publically acknowledged and discussed freely with Iranian authorities. Clearly this cast doubts on the Iranian government's treaty commitments. This is even more urgent 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 by recognising 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 society<sup>250</sup> and often there can be an assumption of a shared understanding of the term.<sup>251</sup> In 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.

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<sup>249</sup> Kameel Ahmady, 2015-"in the name of tradition" Uncut voices, oxford 2016

<sup>250</sup> Kağıtçıbaşı, İ. (2007). Family, self, and human development across cultures: Theories and applications. Hillsdale, NJ: Lawrence Erlbaum

<sup>251</sup> Walsh, M., Stephens, P., & Moore, S. (2000). Social policy and welfare. Cheltenham, UK: Nelson Thornes.

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**

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. The greater the age difference between girls and their husbands, the more likely they are to experience intimate partner violence. Child marriage often partners young girls with men who are much older. Girls find themselves in new homes with greater responsibilities, without much autonomy or decision-making power and unable to negotiate sexual experiences within the marriage. Economic dependency and



the lack of social support also expose young married girls to other kinds of violent trauma during marriage.<sup>252</sup> Often the young girls are forced into household labour in their husband's families which result 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. This assumption exposes child brides to the greater risk of domestic violence and sexual abuse by her in- law's family. Child brides are more likely to describe their first sexual experience as forced.<sup>253</sup> Child marriage often leads to violence against the child wife.

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".<sup>254</sup>

## IRAN

In the years that followed the Iranian revolution and the Iranian and Iraqi war, a population surge was noted. 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,<sup>255</sup> and eventually increasing from 19

<sup>252</sup> nnocenti 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).

<sup>253</sup> [www.girlsnotbrides.org](http://www.girlsnotbrides.org) Why is child marriage a form of violence against women and girls?

<sup>254</sup> General Recommendations 19 on Violence Against Women. Para 11

<sup>255</sup> MSN Encarta Encyclopedia entry on Iran - People and Society, CIA World factbook 2007

million in 1956 to around 75 million by 2009.<sup>256</sup> The Iranian government starting advocating political policies to decrease the population rate. The early 1990s was the start 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.<sup>257</sup>

Over time, an unanticipated by product of the Iranian government's 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 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 a prominent profound 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. Political policies to increase the population were put in place and marriage became the only legal way of having children. The institution

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<sup>256</sup> 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.

<sup>257</sup> MSN Encarta Encyclopedia entry on Iran - People and Society, CIA World factbook 2007

of marriage adapted to comply with the new government policy. Iran's about face policy systems influential and dominant, encouraged ECM.

Iranian President Mahmoud Ahmadinejad inaugurated a new policy to encourage population growth, dismissing Iran's decades of internationally acclaimed family planning as ungodly and of Western ideology.<sup>258</sup> 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.<sup>259</sup>



From September 24<sup>th</sup> 2012, Ayatollah Khamenei the Supreme Leader of Iran declared the importance and necessity of establishing new population policies.

<sup>258</sup> Iran encourages population growth - International...[www.jpost.com/.../Iran-encourages-population-growth](http://www.jpost.com/.../Iran-encourages-population-growth)

<sup>259</sup> IBID

Religious leaders and Marja clerics, following suit pointed to marriage and reproduction in early ages as mandated 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.

### **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.<sup>260</sup> These judicial age settings are not seen as relevant within the Islamic cultures, because any sexual activity outside of marriage is considered an illegal act.<sup>261</sup> However it is interesting to note that an examination at the Islamic Republic laws on marriage points to a significant discrepancy between its national codes and its international obligations. According to the country's first Supreme Leader, Ayatollah Khomeini, sexual experiences, with the exception of intercourse, are permitted with girls of all ages.

Article 1034 of the Iranian civil code declares that that any girl who is free of marital limits, can be proposition to marry. 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 acceptance of marriage

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<sup>260</sup> *Oxford English Dictionary*, entry for "age of consent"

<sup>261</sup> Dhami, S., & Sheikh, A. (2000). The Muslim family: Predicament and promise. *Western Journal of Medicine*, 173, 352.

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.<sup>262</sup>

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." The change in age came into effect after the Iranian revolution. 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 the permission of a court judge.<sup>263</sup> 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.<sup>264</sup>

Between 1981 and 1991 Section 1041 also held "wedlock is forbidden before adolescence." In Iran, under article 1041 of the civil code in 1934, no marriage may be concluded between girls under the age of 15 and boys under the age of 18, unless special conditions are taken into account in which the validity of the marriage is confirmed by the Public Prosecutor. This exception did not hold true for girls under the age of 13 and boys under the age of 15, meaning that they could not get married at all. A new sentence in 1982 established a first marriage age or maturity age as 9 (for girls) and 15 (for boys), by which any marriage

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<sup>262</sup> Civil code

<sup>263</sup> 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."

<sup>264</sup> Iran - Child Marriage Around The World. Girls Not ...[www.girlsnotbrides.org/child-marriage/iran](http://www.girlsnotbrides.org/child-marriage/iran) Violations of girls' rights: child marriage and FGM in the I.R. Iran

practice under these minimum age was considered illegal. The latest changes in the civil code came into force in 2002 emphasizing the legality of marriage between boys and girls defined as 15 and 13 conditional upon the approval of a competent court.

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 permission from authorisation of a court. The judicial system has often bowed to this unacknowledged 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.<sup>265</sup>

## STATISTICAL FIGURES

The statistical data indicate the scope of ECM in Iran. Child early marriage and divorce in Iran is viewed according to its official statistics.<sup>266</sup> 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.<sup>267</sup> 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

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<sup>265</sup> General Assembly UN GeA/69/356 Sixty ninth session

<sup>266</sup> *Supra* at 153

<sup>267</sup> *Ibid.*

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

Although the legal marriage age is not and cannot be the reason that triggers this increase of ECM in Iran it can be considered as an influential factor in encouraging and persuading the decision maker. Nevertheless, 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 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.”

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. 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.<sup>268</sup> 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.

The strong belief in ECM and its persistence and prevalence in Iran underscores that social norms are more powerful than laws in Iran. Laws that forbid marriage under the age of 13 and the legal punishment for parents who marry off their children under the legal age are not enough in itself to prevent ECM. 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 more 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 “buying age” as observed with

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<sup>268</sup> Iran - Child Marriage Around The World. Girls Not ..[www.girlsnotbrides.org/child-marriage/iran](http://www.girlsnotbrides.org/child-marriage/iran)Violations of girls' rights: child marriage and FGM in the I.R. Iran



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 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 what is 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.<sup>269</sup> 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 that is attributed to femininity. This procedure seems to be more of a simple game of personalization rather than a true psychological and legal assessment.

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<sup>269</sup> Islamqa info/en r 11886: Ruling on women wearing gold rings

## YOUNG IRANIAN BOYS

The start of puberty or menstruation is considered the hallmark in 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 in 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 formed a cultural coming of age characteristic 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

Inadvertently, this political-military policy 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 took place just before the boy joined the military. By doing so this allowed the possibility of young man shortening his military service obligation as his status is now of a married man. There is also the additional advantageous of plausibly being stationed at a military centre in the boy's province to secure approved leave to visit his wife and children.

### **ROLE OF RELIGION IN PROMOTING CHILD MARRIAGES IN IRAN**

Under the Iranian constitution which adheres to Imamieh's jurisdiction, the ages between childhood and adulthood are defined as adolescence<sup>270</sup>. Imamieh's early jurists held that it is necessary for girls to be married<sup>271</sup>, 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.<sup>272</sup>

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<sup>270</sup> Ebadi, Shirin, Regard for children rights in Iran, Tehran, Roshangaran Publication, 1990

<sup>271</sup> Allameh Helli, 1414 Hijri, Vol 2, p 856

<sup>272</sup> Hamedani, Vol 2, P186

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. *Khuzestan*



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

*province is the third highest province that practises ECM in Iran.*

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.<sup>273</sup> 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.

The influence of religious leader cannot be under estimated. For example, an intervention project, whilst undertaking field working for this research study, led

<sup>273</sup> **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.

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 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 more meaningful healthy mental and physical outlooks. With his permission, week long workshops took place in the province's top religious schools (Madrassa). 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**

As tradition 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 ignore ECM, 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. In fact, according to a UNFPA report, Iran is amongst those countries where Sharia law on the age of marriage overrides Iran's commitment to the legal age of marriage. In response to efforts made by UNICEF Representative 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, or 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."<sup>274</sup> Iran's silence in the face of overwhelming evidence that ECM exist is especially perfidious.

Iran's abstract rubber stamp perfunctory signature to numerous treaties has not translated into concrete backing. The Vienna Convention on the Law of Treaties states categorically that a state that ratifies an international treaty" establishes

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<sup>274</sup> Iran - Child Marriage Around The World. Girls Not ...[www.girlsnotbrides.org/child-marriage/iran](http://www.girlsnotbrides.org/child-marriage/iran)Violations of girls' rights: child marriage and FGM in the I.R. Iran

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 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 wide acceptance, probable rates and frequencies, triggering causes and also its generational and inter-generational repercussions have become pressing 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 or its impact. 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 understanding the consequences and risks associated with ECM and its 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 Iran<sup>275</sup>. 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 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.<sup>276</sup> 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.

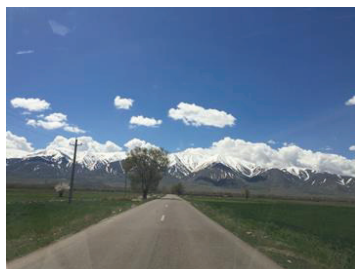


FIGURE 7 FIELD WORK IN RURAL AREAS OF 6 PROVINCES IN IRAN-PHOTO BY: KAMEEL AHMADY

The study<sup>277</sup> 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 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

<sup>275</sup> 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](http://kameelahmady.com/fgm-in-iran)**

<sup>276</sup> **Ibid.**

<sup>277</sup> Kameel Ahmady. In the Name of Tradition. FemaleGenital Mutilation in Iran.pp.49. Frankfurt am Main: UnCUT/VOICES Press 2016 & <http://kameelahmady.com/fgm-in-iran>

gender oppressive issues were inherently intertwined. As discussed in greater detail in Chapter 2, this was particularly glaring in the Iranian rural areas 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. Qualitative data was collected through a series of questions and interviews with the child bride or groom. In total 500 interviews took place with the following breakdown:

Provinces and percentage of female respondents:

Razavi Khorasan 33(82.5)

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.

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. Iran, with its considerable high rates of this gender based social norm, has never been the recipient of any sort of comprehensive in-depth research methodologies

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. These academic efforts have mostly been ignored and despite its pervasiveness, failed to attract the governmental authorities' attention. Therefore, whilst some descriptive statistics do provide a global picture of ECM 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 does provided yearly data on four main demographical information: birth, death, marriage and divorce rates. These data has always been publically

available. What are missing are the underlying covert reasons hovering behind each statistic that goes far beyond the numerical entity.

Additionally for many years Iranian governmental officials were focused more on decreasing population growth aided by robust government initiatives and then increasing population growth by offering financial incentives. Individual concerns were not successful in securing NGO's financial support to carry out further research. What was lacking was a practical problem-centred and issue-oriented research based on ECM specifically in Iran in order to achieve significant progress in fully understanding the causes and risks of ECM. What is also regrettably lacking is a research study of the high prevalence rates of child marriage within Iran that would assist in identifying the social similarities and differences that lead to ECM. Iranian policymakers are missing an opportunity to explore the unique 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 interests<sup>278</sup> resulting in a lack of legal protection for the spouse and future children.<sup>279</sup>

## RESEARCH APPROACH

Initially, a desk review was carried out to examine existing literature on ECM along with a review of international and domestic law. As an integral first step of choosing this topic of ECM in Iran, previous topics of interest in gender based violence studies, empowerment of women and the experience of gathering related information on FGM study were influential.<sup>280</sup> This was crucial in order to understand the nature and extent of child marriage.

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 assist in understanding the concept of ECM in those rural areas where it serves as a vital function within the cultural-

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<sup>278</sup> UNICEF, Child marriage in Jordan, 2014, p 1

<sup>279</sup> Amani Campaign, Interagency child protection and gender based violence campaign, Jordan 2014 p 12, [data.unhcr.org/syrianrefugees/](http://data.unhcr.org/syrianrefugees/)

<sup>280</sup> Ahmady, K. 2016. In the Name of Tradition. Female Genital Mutilation in Iran. Frankfurt am Main: UnCUT/VOICES Press..

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 see it as a defence mechanism in order to assure a safer or better life for their children, some follow it as bowing to the social pressures to marry the young and innocent and some see it as a 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 and even encouraged. By envisaging a research study that encompasses all cultural differences and by being physically 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

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 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



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

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 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 these contain prescription for early marriage, drive families to fulfil this "obligation."



- Fourth, early marriage ensures full "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 in the exact 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.

## 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



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

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.<sup>281</sup>

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.

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

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<sup>281</sup> 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.

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

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

Girls' marriage      Boy's marriage      Totals

The broadness of the program areas, the financial and budget constraints and the competing time restrictions necessitated the use of cluster sampling functional.<sup>282</sup> By using cluster sampling, several towns located in the north,

<sup>282</sup> Cluster sampling is the sampling method where different groups within a population are used as a sample.

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.

FOR AUTHOR USE ONLY

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

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 status of women and children in developing countries. However, in order to use DHS standard questionnaires in this study, adjustments were necessary based on

10-14	15-19
Khuzestan	Razavi Khorasan
65	4797
Sistan and Baluchestan	Khuzestan
36	2956
West Azarbaijan	Sistan and Baluchestan
31	2991
Zanjan	West Azarbaijan
28	2031
Razavi Khorasan	East Azarbaijan
21	1950
Fars	Golestan
20	1443
Golestan	Fars
19	1242

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 were designed 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.<sup>283</sup> 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, as the Shiite Muslims' Imam Reza, shrine in Mashad 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.<sup>284</sup>

<sup>283</sup> The National Organization for Civil Registrations, 2014.

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

<sup>284</sup> 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 and political influence. It is of no coincidence 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 communities<sup>285</sup> 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.

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. The domination of Shiite Islam in the province and its political power over the Sunni sect was a source of friction for some of the conflicts.

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<sup>285</sup> CRFsupra

Despite this underlying friction, ECM prevalence is seen within both provinces, in both religious belief systems, and escalated in places where poverty and deprivation is rampant mostly in the border regions inhabited by Sunni Muslims. Many of the cities and villages located near the Afghanistan and Turkmenistan borders show striking similarities to other cities on the other side of the border. For example, the domination of 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 focus on having their 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.<sup>286</sup> Excluded from decisions affecting their own lives, most 'knew nothing' about arrangements being made for their marriage, as it is normally 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. We saw 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 and or dealing with 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 layer of horror to this already dreadful practice.

It is important to draw attention to the fact that ECM is also 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.

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<sup>286</sup> 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.<sup>287</sup> 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*

<sup>287</sup> 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 a stranger, the bride price would be higher than if he were a cousin.

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.<sup>288</sup> As per the conversations with the inhabitants, 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 of dowry reduces women to marketable goods that have a particular market 'value, if the girl is young, and depreciates over time. 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.<sup>289</sup> This financial transaction enables large sums of money to change hands. Depending on the geographical location or region, it can differ from one town to another. For example in villages like 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.

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 the bride, is almost never paid to her. According to Islamic

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<sup>288</sup> Council on Europe

<sup>289</sup> Care Report Vows of Poverty Child Marriage Report | CARE [vowsofpoverty.care.org](http://vowsofpoverty.care.org)

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 families<sup>290</sup> 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 <sup>291</sup> (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 are few, if any, options or means of obtaining a divorce. As ECM is often regarded as the only means of economic survival, divorce is not in the realm of

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<sup>290</sup> Marrying Too Young: End Child Marriage" (PDF). UNFPA.

<sup>291</sup> The oman is the unit of the official currency of Iran, the rial.

consideration. Alternatives, if any at all, other than marriage are not provided to girls.

High rates of domestic violence is common place in ECM. Young girls are extremely vulnerable to domestic violence, abuse and abandonment. The violence may include physical, sexual or psychological abuse.<sup>292</sup> 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 girls' youth, which is an asset in securing a valuable bride price, now transforms 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. The younger a female was when she got married, the larger the gap is between her age and her partner's age.<sup>293</sup> 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. These young girls, often have low bargaining power in the household and are more likely to experience violence by an intimate partner. The typically large age gaps between the child and her spouse makes her more vulnerable to domestic violence and marital rape. As ECM is considered as an interfamilial binding contract, the breaking 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

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<sup>292</sup> Heise, L., J. Pitanguy and A. Germain (1994). Violence Against Women: The Hidden Health Burden. Discussion Paper #255. The World Bank: Washington, D.C

<sup>293</sup> Child Marriage | Early Marriage | Plan...plan-international.org/.../child-marriage



because they have little earning power, education, and financial support.<sup>294</sup> 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.<sup>295</sup>

In contrast to Ghasem Abad where the divorce rates are low, the divorce rates are noticeably and 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 wilderness climate 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 Kheyra Abad where most people have these aqueducts, early marriage is commonly practiced within the family to maintain the pre-existing hierarchy.

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<sup>294</sup> [www.cfr.org](http://www.cfr.org), peace-conflict-and-human-rights / child- marriage

<sup>295</sup> 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.

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 part of a community's life and identity for a very long time.<sup>296</sup>

*"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*

<sup>296</sup> [www.girlsnotbrides.org](http://www.girlsnotbrides.org), Why does child marriage happen?

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 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 group. Thus even within the same family, girls and boys are brought up according to different norms and values. These expectations are guided by local norms on what is an ideal boy/girl/man/woman, which, whilst mercurial remain firmly grounded on 'good' girls being restricted in their movements outside the house, being submissive and not interacting with males outside of the family. Apart from these norms being inculcated at a very early age, they are also reinforced 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).<sup>297</sup>

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.<sup>298</sup> That explains 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

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<sup>297</sup> Change and continuity in social norms. [www.odi.org/sites/odi.org.uk/files/odi-assets/...](http://www.odi.org/sites/odi.org.uk/files/odi-assets/...)

<sup>298</sup> What is Conformity? | Simply Psychology [www.simplypsychology.org](http://www.simplypsychology.org)

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, people view those who are 18 and still single as “spinster.” This social pressure for getting married exacerbates the other previously mentioned causes and influence and accelerates ECM’s sustinment and its endorsement.

### 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.

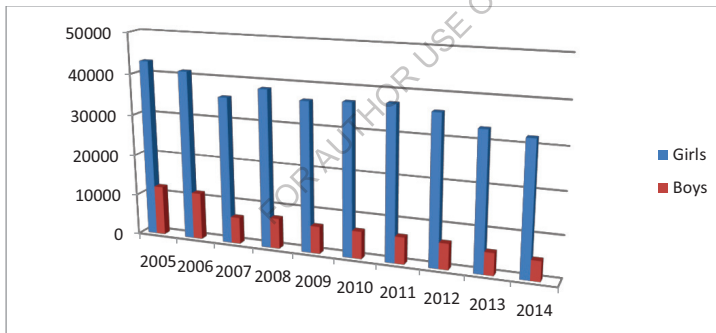


DIAGRAM 10. MARRIAGE UNDER THE AGE OF 18 IN RAZAVI KHORASAN PROVINCE

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

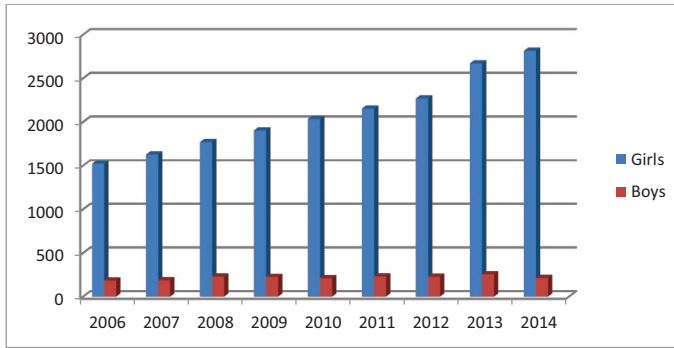


DIAGRAM 11. DIVORCE UNDER 18 YEARS OF AGE IN RAZAVI KHORASAN PROVINCE

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.<sup>299</sup> 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

<sup>299</sup> Q & A: Child Marriage and Violations of Girls' Rights, *supra* at 24.

later. This problem threatens to increase with the expanding youth population in the developing world.<sup>300</sup>

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.<sup>301</sup> For girls the affects go well beyond adolescence.<sup>302</sup> 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 the girls' problems begin once they arrive home with their babies, where they are then frequently abandoned by their husbands.<sup>303</sup>

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.<sup>304</sup>

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<sup>300</sup> Child Marriages: 39,000 Every Day | Press centre |...[www.unicef.org/media/media\\_](http://www.unicef.org/media/media_)

<sup>301</sup> Girls Not Brides - Official Site [www.girlsnotbrides.org](http://www.girlsnotbrides.org)

<sup>302</sup> Q & A: Child Marriage and Violations of Girls' Rights - Human Rights Watch". [hrw.org](http://hrw.org).

<sup>303</sup> 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

<sup>304</sup> Save the Children UK, Rights of Passage, 2003

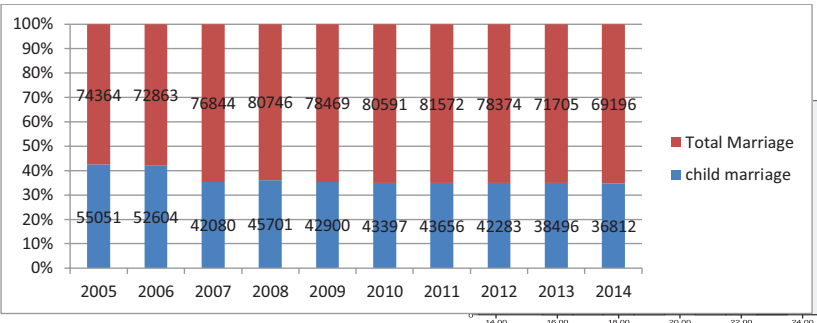


DIAGRAM 12. ECM RATIO IN RAZAVI KHORASAN PROVINCE

CHART 1. REASON FOR LEAVING SCHOOL IN RAZAVI KHORASAN

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.

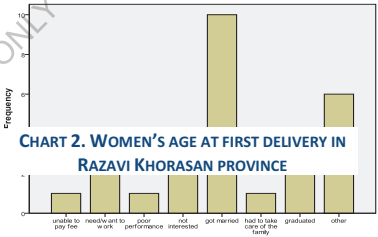


CHART 2. WOMEN'S AGE AT FIRST DELIVERY IN RAZAVI KHORASAN PROVINCE

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 or wife (42 %) or with 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.



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 makes them vulnerable and hinders their individual development. Research shows that only 27 % of the victims of ECM were still studying as marriage was the principal reason for leaving school in most cases (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 wife used to go to school before getting married, 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.<sup>305</sup> The lack of education also affects reproductive behaviour, use of contraceptives and the health of the new-born. Even for those

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<sup>305</sup> Field, Erica; Ambrus, Attila (2008). "Early Marriage, Age of Menarche, and Female Schooling Attainment in Bangladesh" (PDF). *Journal of Political Economy*. 116: 881–930.

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 lives 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% 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.<sup>306</sup> 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

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<sup>306</sup> Nour, Nawal M. (2006), "Health Consequences of Child Marriage in Africa", *Emerging Infectious Diseases*, 12 (11): 1644–1649,

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, still were unaware that what they had actually experienced was obstetric fistula.

### ● Male Reproduction

The survey showed 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 the 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 person him/herself. 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 indicated that 30 % of the married respondents

claimed their marriage was registered in their names at 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.

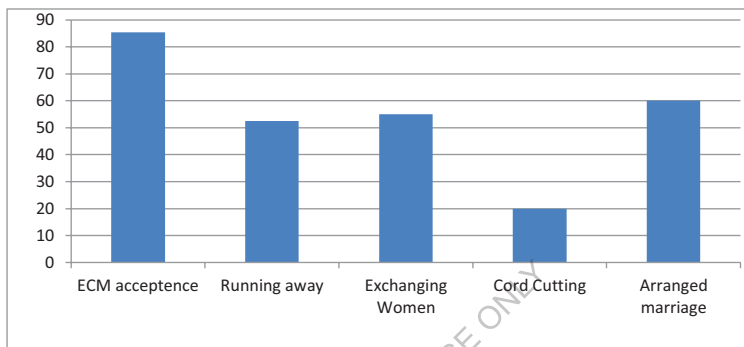


DIAGRAM 4. PREVALENCE OF MARRIAGE FORMS IN RAZAVI KHORASAN PROVINCE

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 the arranged marriage could not be annulled by their wish.

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 or providing the dowry. Many of the females (35 %), never received their bride money.

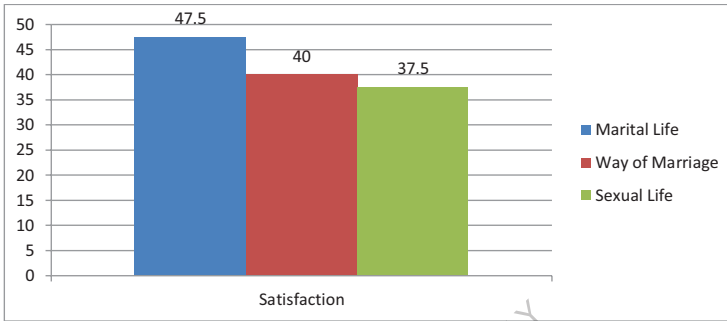


DIAGRAM 5. SATISFACTION WITH MARRIAGE IN RAZAVI KHORASAN PROVINCE

#### • Exposure to sex education and or ECM messages

Accurate information about their sexual and reproductive health, as well as support and skills to feel comfortable and confident about their bodies and their sexuality was demonstratively lacking. This is 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 mostly 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 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. The majority considered the ages between 15 and 20 as too early for girls and boys to be married and they assumed that the ideal marriage age and 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 ability 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

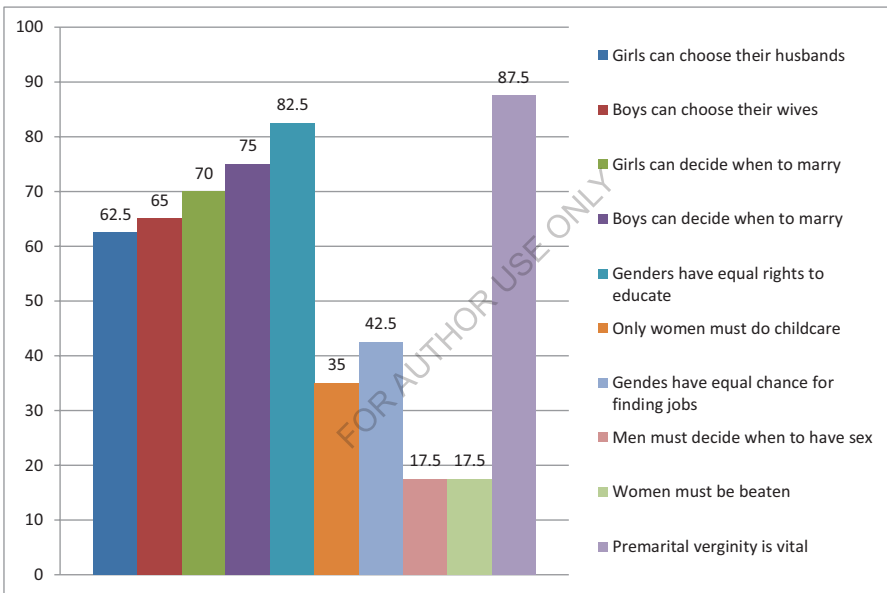


DIAGRAM 6. AGREEMENTS ON GENDER ATTITUDES IN RAZAVI KHORASAN PROVINCE

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.

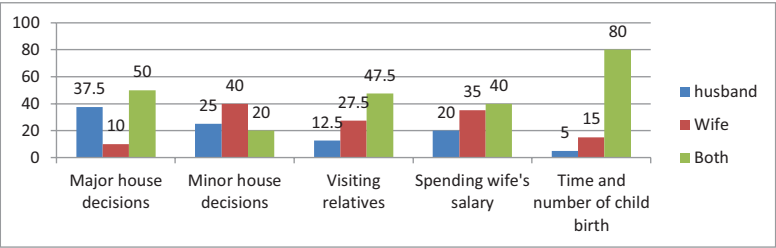


DIAGRAM 7. HOUSE DECISION MAKING IN RAZAVI KHORASAN PROVINCE

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 girls<sup>307</sup>. There were a minute number of respondents in the province who mentioned mistreating their wives.

## 2. EAST AZERBAIJAN



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<sup>307</sup> E Buchwald, *Transforming Rape Culture*, 2005

### 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 province<sup>308</sup>. 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 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.

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<sup>308</sup> 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, 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 prospects for girls can be limited. There is clearly a dismal and significant

*aGot 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*

correlation between economic hardship and acceptability of ECM. In this context ECM is seen as a way to make her future better.<sup>309</sup> Marriage provides a means for ensuring their daughters' future economic security.

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. It is generally considered unacceptable for men and women to remain unmarried too far into adulthood. Therefore, 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.

<sup>309</sup> 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.

A woman who remains single is assumed to be at risk of falling into an emotional relationship 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

*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*

consent was not 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 unpractical to live together and divorced at a very young age. As shown 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.

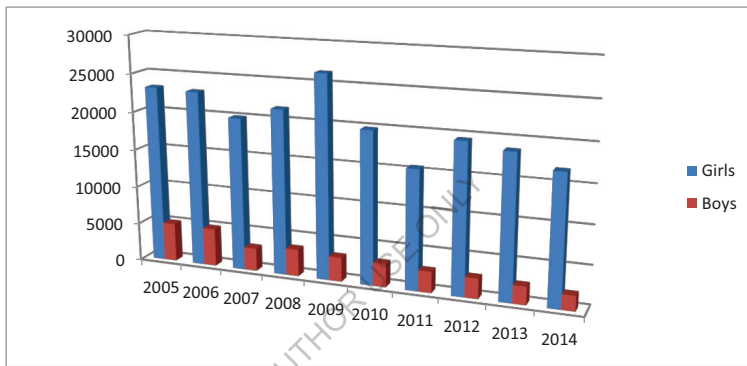


DIAGRAM 9. MARRIAGE UNDER THE AGE OF 18 IN EAST AZERBAIJAN PROVINCE

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

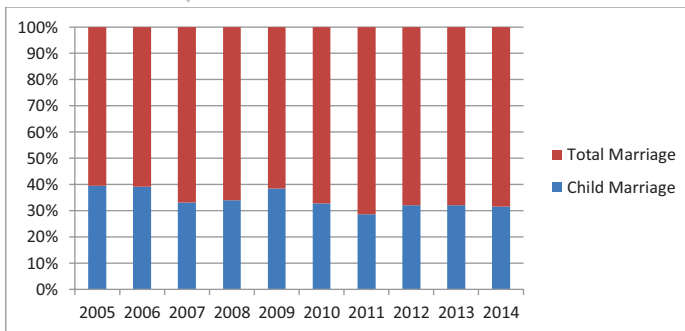


DIAGRAM 11. ECM RATIO IN EAST AZERBAIJAN PROVINCE

## 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 attending school until the fifth grade (31.3 %) and 10.4 % of them were still studying at the time of

CHART 3. REASON FOR LEAVING SCHOOL IN EAST AZERBAIJAN PROVINCE

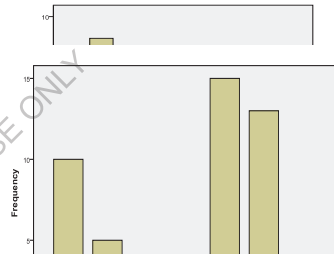


CHART 4. WOMEN'S AGE AT FIRST DELIVERY IN



the interview. Unsurprisingly, 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 %).

## ● 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.



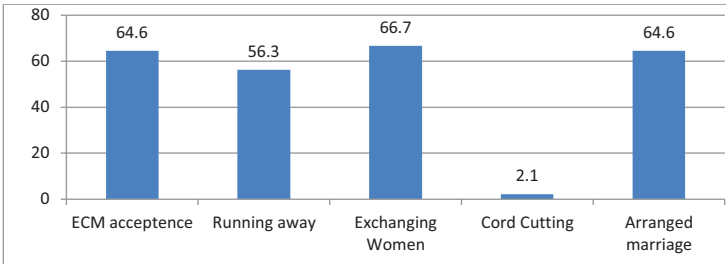


DIAGRAM 12. PREVALENCE OF MARRIAGE FORMS IN EAST AZERBAIJAN PROVINCE

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 and 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.

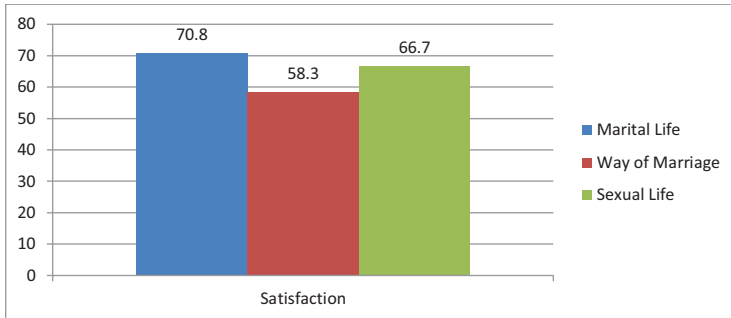


DIAGRAM 13. SATISFACTION WITH MARRIAGE IN EAST AZERBAIJAN PROVINCE

Diagram 13 shows the rate of satisfaction with respect to marital life, way of marriage, and sexual satisfaction. The graph shows that respondents in East Azerbaijan claimed they are highly satisfied with their married life at the ratio of 70.8%. The second high 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 not beneficial 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 ideal 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 attitudes of virginity and honour. The acceptability of ECM is reflected by these 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.

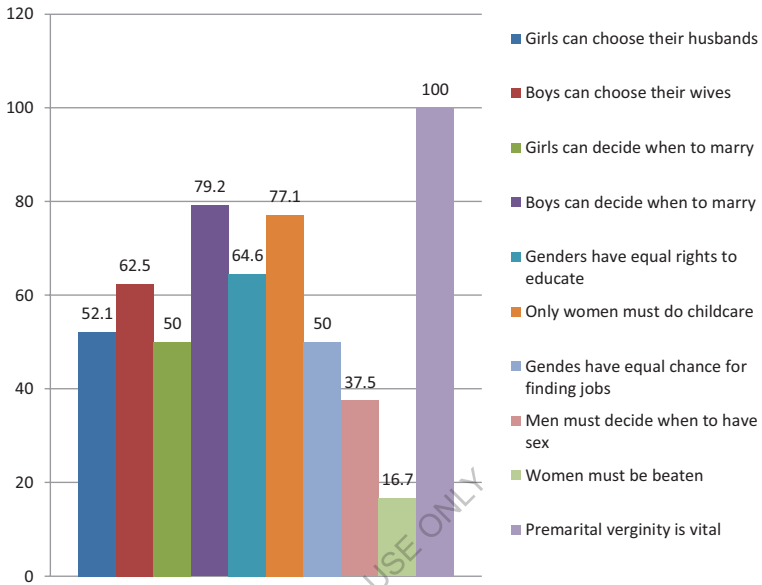


Diagram 14. Agreements on Gender attitudes in East Azerbaijan province

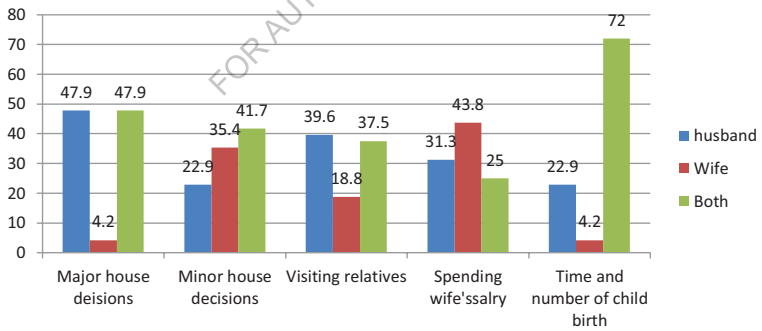


DIAGRAM 15. HOUSEHOLD DECISION MAKING IN EAST AZERBAIJAN PROVINCE

## ● Male Domestic Violence

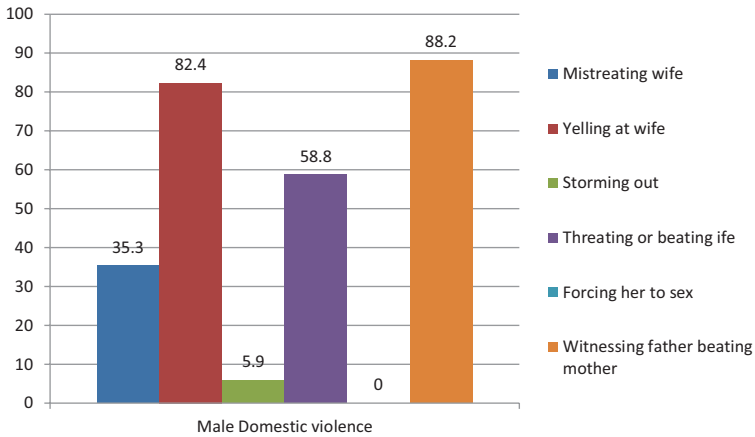


DIAGRAM 16. MALE DOMESTIC VIOLENCE IN EAST AZERBAIJAN PROVINCE

In as much as domestic violence is a massive pervasive global public health concern affecting approximately 30 per cent of women worldwide,<sup>310</sup> 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.<sup>311</sup> 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 this is construed as an extension of “the rights” of the husband. The highest ratio was noted for those who have seen their parents fight and have witnessed the physical abuse of their mothers by their fathers. Similarly, the ratio of yelling at ones wife was as low as

<sup>310</sup> 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.”

<sup>311</sup> UNICEF (2005). Early Marriage: A Harmful Traditional Practice. UNICEF: New York.

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 census<sup>312</sup>. 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 different cultural backgrounds and characterisations. Despite the diversity



FIGURE 14 CHILDREN PLAY CARDS-PHOTO BY KAMEEL AHMADY

in nationalities and languages, what was observed was a common and consistent thread of culture similarities running throughout 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.

<sup>312</sup> The National Organization for Civil Registrations, 2014.

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

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 first decade of the Islamic revolution. Throughout the eight year war, the region was inundated in tenure and inhabitanancies 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 years. Therefore, a great deal of similarities can be seen amongst the inhabitants living on either sides 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.

*"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*



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, it had dropped to 10.5. Similar sets of figures have been reported for boys, albeit with a delay of around a year<sup>313</sup> WHO has very little data about the onset of puberty. 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.<sup>314</sup>

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 patterns.<sup>315</sup> Environmental signals related to climate and light deserve some attention in the context of variations in pubertal timing around the world. Temperature and light-darkness rhythms that are influenced by geography and seasons might 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.<sup>316</sup> The effects of light-darkness rhythms can be mediated through the pineal gland hormone, melatonin, which circulates in high

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<sup>313</sup> **Error! Hyperlink reference not valid.**why-is-puberty-starting-younger-precocious-

<sup>314</sup> IBID

<sup>315</sup> [www.scientificamerican.com](http://www.scientificamerican.com), rises-in-early-puberty-may-have-environmental-roots

<sup>316</sup> Rojansky N, Brzezinski A, Schenker JG 1992 Seasonality in human reproduction: an update. Hum Reprod 7:735–745  
Medline

concentrations at night.<sup>317</sup> 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 for spurring 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 spurring early puberty development which in turn triggers sexual desire.) Mentally these young boys and girls are still children but biologically able to have and or father children and thus considered as adults and ready to be married

This geographical determinism 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.

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<sup>317</sup> The Timing of Normal Puberty and the Age Limits of. [press.endocrine.org/doi/full/10.1210/er.2002-0019](https://doi.org/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*

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 cautious were considered in field work training to guarantee the study's validity of method.

In addition to a lack of 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 which 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*). he *Moghadam* and the *Moakhar* expenses form the total 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.<sup>318</sup> Youth is associated with beauty, virginity. This demand for a young girl creates economic incentive where girls are sought and married quite early by her family to the highest bidder. Thus families of young girls who cannot register the marriage

<sup>318</sup> 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,

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.

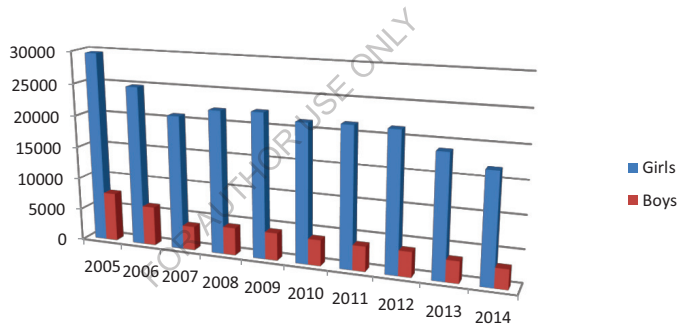


DIAGRAM 17. MARRIAGE UNDER THE AGE OF 18 IN KHUZESTAN PROVINCE

Secondly, in contrast to the marriage ages, the divorce ages are increasingly targeting younger children. Each year there are a higher numbers of children under the age of 18, who are either divorced or child widows. Again, the issue targets more female than males, meaning that vulnerable divorced or widow girls under 18 are more visible than vulnerable widowed boys.

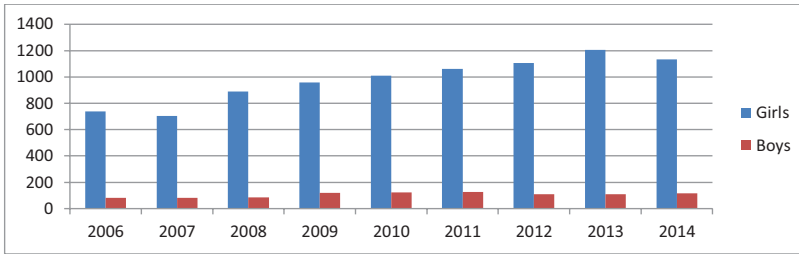


DIAGRAM 18. DIVORCE FREQUENCY UNDER 18 YEARS OF AGE IN KHUZESTAN PROVINCE

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.

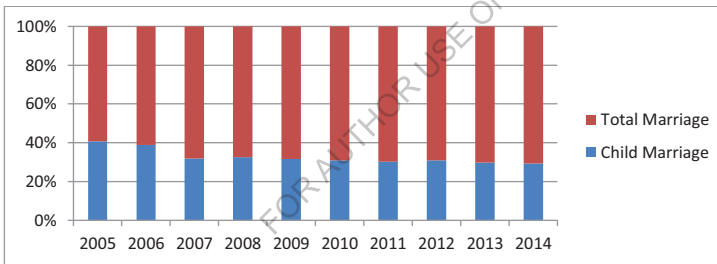
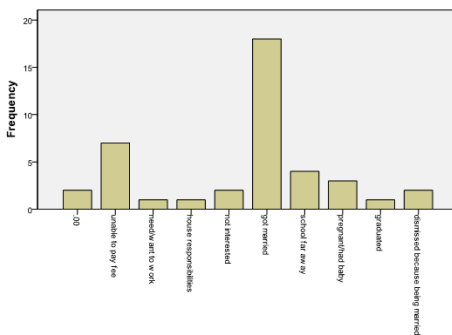


DIAGRAM 19. ECM RATIO IN KHUZESTAN PROVINCE

## 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.<sup>319</sup> Evidence shows that girls who marry early often abandon formal education and become pregnant.<sup>320</sup> Relentlessly, the research study showed that the principal reason for abandoning school was to get married

CHART 6. WOMEN'S AGE AT FIRST DELIVERY IN KHUZESTAN PROVINCE

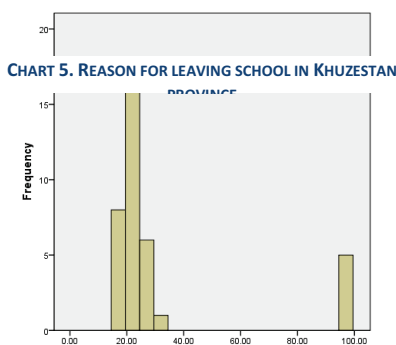


CHART 5. REASON FOR LEAVING SCHOOL IN KHUZESTAN PROVINCE

<sup>319</sup> Newsletter No 7 Enabling Education Network Title: Early Marriage and Education

Author: Lewis, IPublisher: EENETDate: 2006

<sup>320</sup> <http://data.unicef.org/child-protection/child-marriage>



(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 than them.

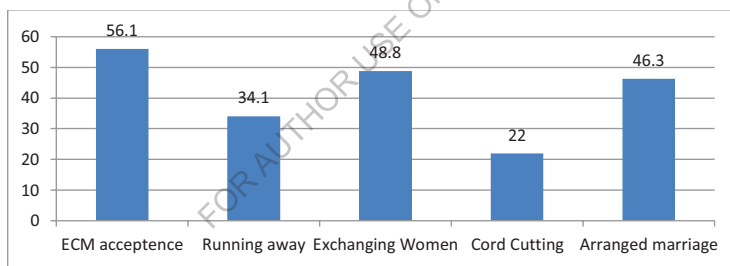


DIAGRAM 20. PREVALENCE OF MARRIAGE FORMS IN KHUZESTAN PROVINCE

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 claimed not to have known their marital partner at all 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 that social groups follow traditions from

previous eras without questioning contemporary relevance, we observed that in Khuzestan province people adhere 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.

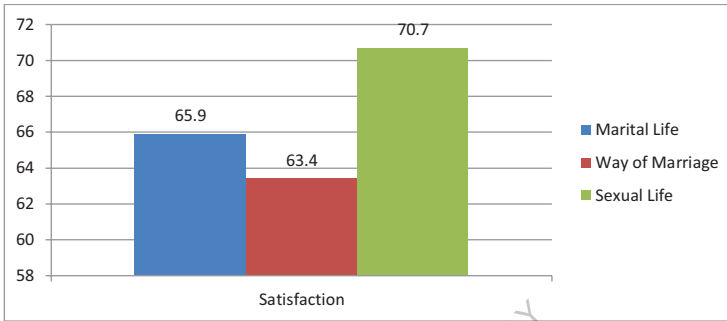


DIAGRAM 21. SATISFACTION WITH MARRIAGE IN KHUZESTAN PROVINCE

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 this 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.<sup>321</sup> 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

<sup>321</sup> Arranged Child Marriage | One Child [onechild.ca/.../about-csec/arranged-child-marriage](https://onechild.ca/.../about-csec/arranged-child-marriage)

members of the family. Most of the respondents (39 %) mentioned that there are no benefits in ECM and the other 22 % mentioned avoiding pre-marital sex as it positive advantage of ECM. Late marriages were viewed negatively as (26.8 %) considered it as 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 negative gender attitudes . ECM is a by-product of the subjugation of females as it

devalues women and girls and discriminates against them.<sup>322</sup> "The discrimination," according to a 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."<sup>323</sup>

Sexuality and virginity is crucial. Girls' identity and life choices are defined by expectations regarding their sexual roles and behaviour<sup>324</sup>. 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 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.<sup>325</sup> 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.

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<sup>322</sup> Child Marriage: Facts, Causes and Consequences. Middleeast.about.com

<sup>323</sup> THEMATIC REPORT: Unrecognised Sexual Abuse and Exploitation of Children in Child, Early and Forced Marriage

<sup>324</sup> Greene, ME, SM Perlson, and Child Marriage Research network. The Centrality of Gender and Sexuality to Understanding Child, early and Forced Marriage.

<sup>325</sup> 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

Work opportunities and its link to girls 'reproductive and gender roles shows that a very limited number of respondents believe that equal opportunities should 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 responses received by the Khuzestan people, the right to make decisions was highly depended on whether or not the decision was major or minor. 58.5% felt husband 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.

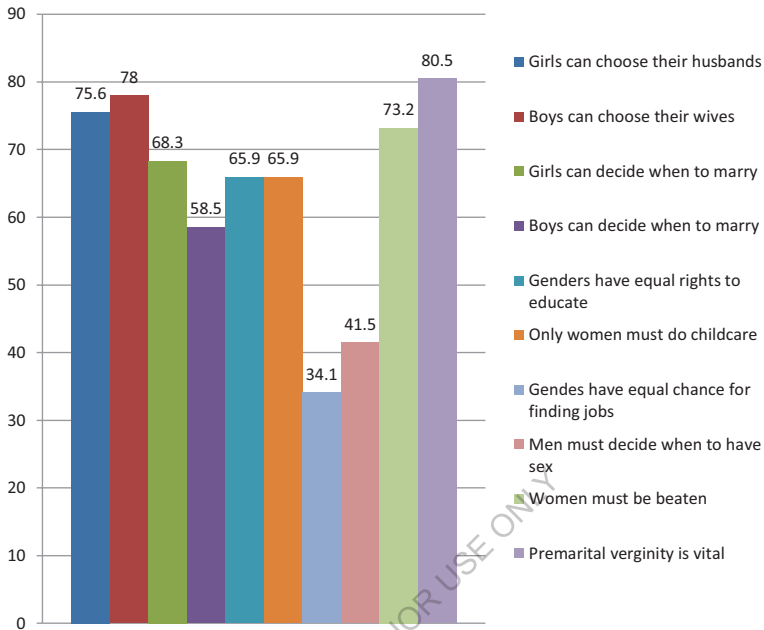


DIAGRAM 22. AGREEMENTS ON GENDER ATTITUDES IN KHUZESTAN PROVINCE

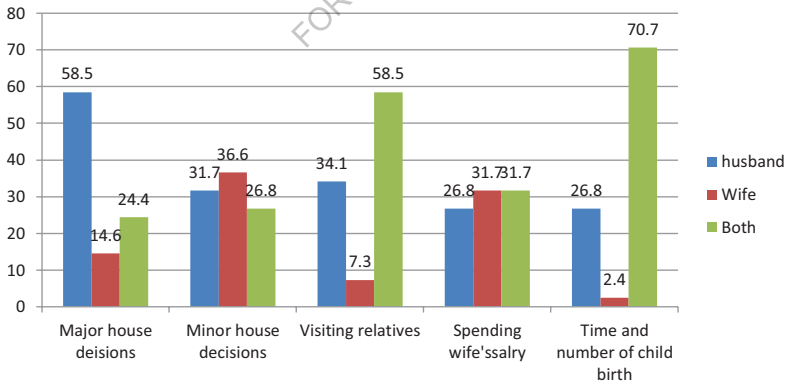


Diagram 23. House decision making in Khuzestan province

### ● 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.<sup>326</sup> 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.<sup>327</sup>

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 %).

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<sup>326</sup>Girls' safety - Girls Not Brides [www.girlsnotbrides.org/themes/girls-safety](http://www.girlsnotbrides.org/themes/girls-safety)

<sup>327</sup> THEMATIC REPORT: Unrecognised Sexual Abuse and Exploitation of Children in Child, Early and Forced Marriage



### Feelings about Forced Sex

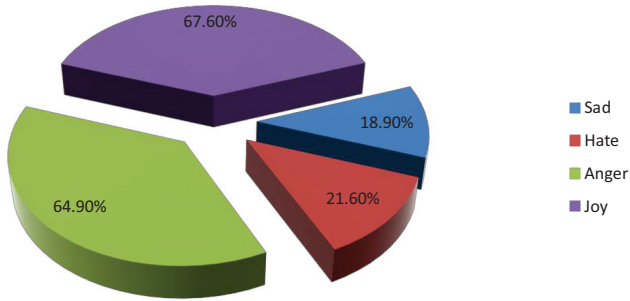


Diagram 24 Shows feeling about forced sex in Khuzestan province

#### ● 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.

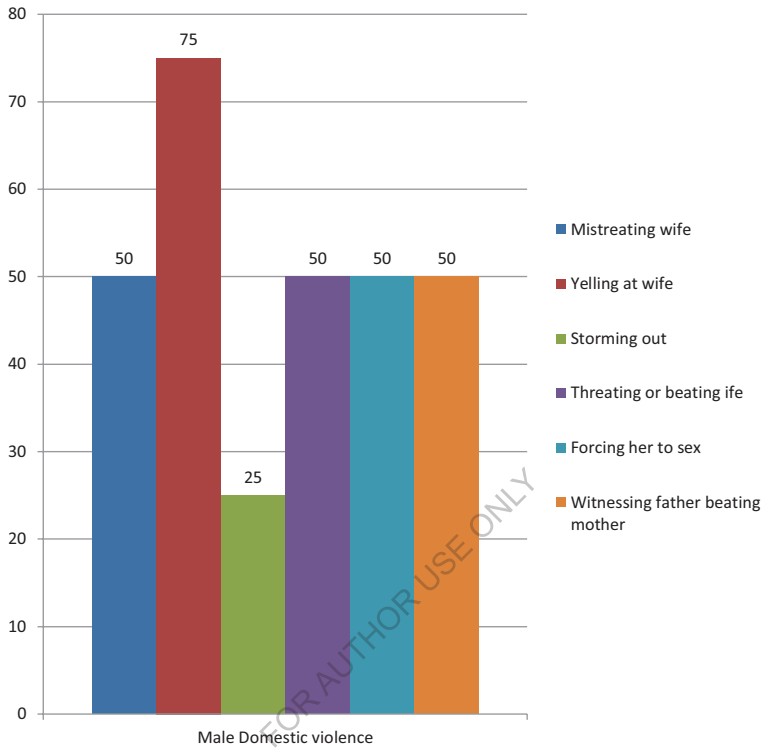


Diagram 25. Male domestic violence in Khuzestan province

#### 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.<sup>328</sup> 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 with respect to the age group of '15 to 19'. A total of six cities in each

<sup>328</sup> The National Organization for Civil Registrations, 2014.

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

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 other 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 similarity of cultural features in terms of religious beliefs, accepted norms and popularity of child marriages. ECM occurrences were on high 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 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 mortality<sup>329</sup>. The statistics are alarming. In 2015 Sistan and Baluchistan had the highest rate of deliveries for mothers under the age of 15



FIGURE 17 FIELD WORK IN RURAL AREAS OF BALUCHISTAN-PHOTO BY: KAMEEL AHMADY

(462 cases). Records in girls' marriage showed that one-third of girls younger than 14 were pregnant within a year after their marriage.<sup>330</sup> Sistan and Baluchistan have 3 % of the country's population, 7 % of birth rates and 7 % of maternal mortality in the country<sup>331</sup>.

Compared to other areas, the role of societal pressure for not marrying children was noticeably low. There was no strong advocacy against ECM in the province

<sup>329</sup> Population Health Fund 1389

<sup>330</sup> Hossein Rayisi, *Children and adolescents' rights: from birth to 18*, Electronic Academy of Tawana for civil society of Iran(2014). P.182

<sup>331</sup> Ibid, p.183.

as it is so commonly far reaching that it had 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 has been formed to discourage ECM. It has always existed and is still in existence. ECM is positively seen and believed to be 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 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, 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 in 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 comes about when "the couple" are small children, 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 are considered to be marry to one another once they have grown up. 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.

### *"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*

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 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.

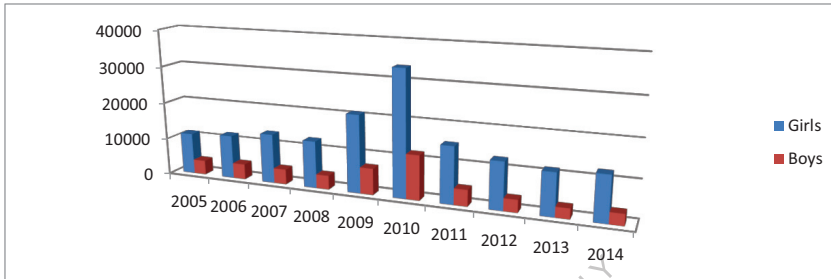


DIAGRAM 26. MARRIAGE UNDER THE AGE OF 18 IN SISTAN AND BALUCHISTAN PROVINCE

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.

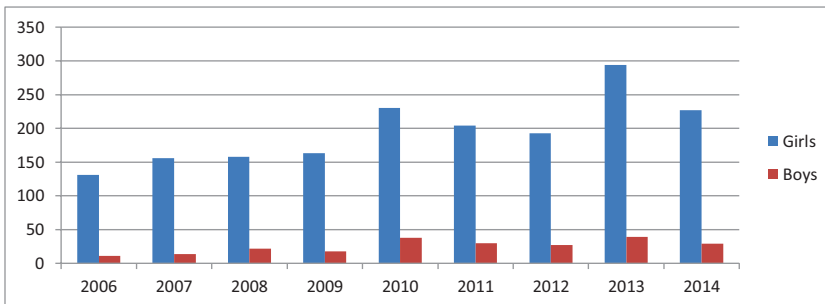


DIAGRAM 27. DIVORCE FREQUENCY LESS THAN 18 YEARS OF AGE IN SISTAN AND BALUCHISTAN PROVINCE

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.

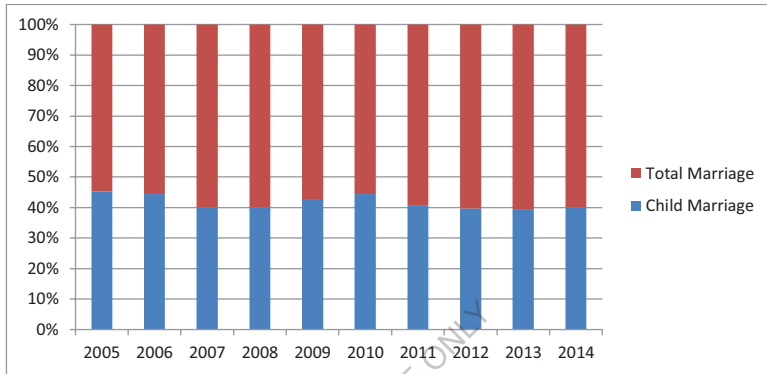


DIAGRAM 28. ECM RATIO IN SISTAN AND BALUCHISTAN PROVINCE

## Background

Respondents, 67.3 % female and 32.7 % male, 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 then Persian (8.2 %). Parental ability to read and write were 30.6 % and 38.8% for mothers and

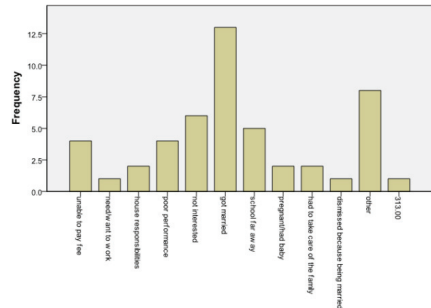
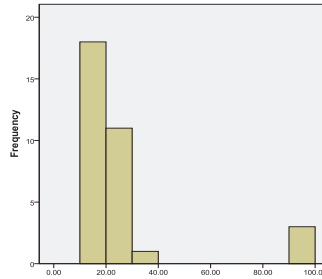


CHART 7. REASON FOR LEAVING SCHOOL IN SISTAN AND BALUCHISTAN PROVINCE

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 interview, and the main reason for dropping school was marriage.



Most respondents do household chores and child care (40.8 %) or were self-employed (40.8 %). Majority of respondents were Sunni Islam (85.7 %) and the other 7 % were Shiite Muslims. All respondents claimed to steadfastly adhere to and practice their religion starting from the age of 9 (59.2 %).

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 and the majority of 60.6 % of respondents 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 questioning showed 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.

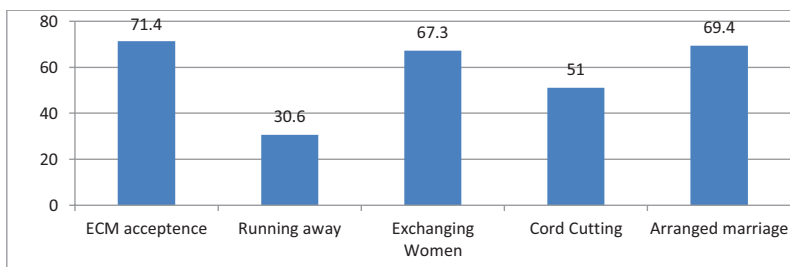


DIAGRAM 29. PREVALENCE OF MARRIAGE FORMS IN SISTAN AND BALUCHISTAN PROVINCE

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.

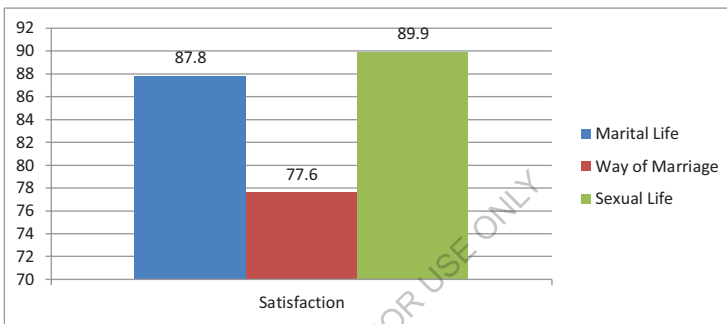


DIAGRAM 30. SATISFACTION WITH MARRIAGE IN SISTAN AND BALUCHISTAN PROVINCE

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 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 things 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

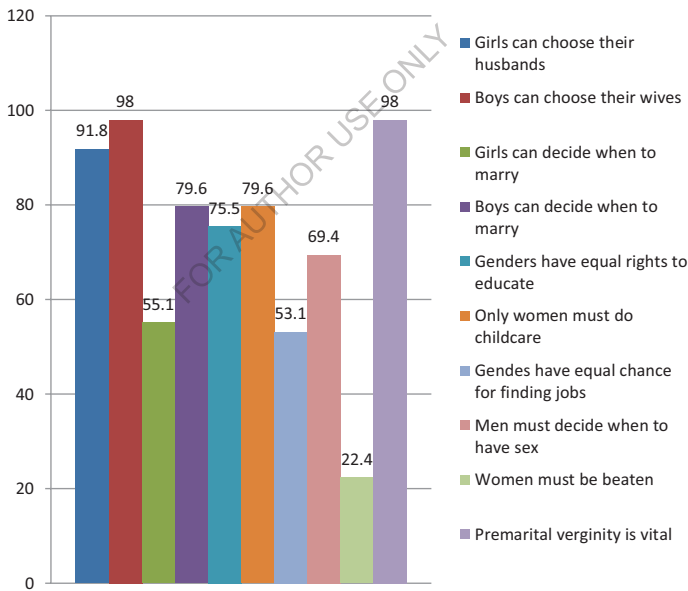


DIAGRAM 31. AGREEMENTS ON GENDER ATTITUDES IN SISTAN AND BALUCHISTAN PROVINCE

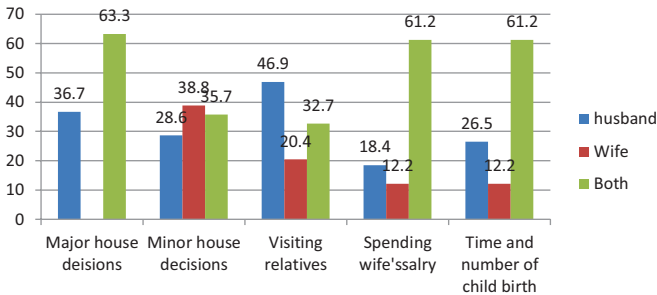


DIAGRAM 32. HOUSE DECISION MAKING IN SISTAN AND BALUCHISTAN PROVINCE

### • 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 %). Forced rape was seen as forced sex. Mistreating the husband, threatening or throwing things at him happened in 69.7% of the cases, whilst the feeling of joy was found in 30.3 % of the cases.

### Feelings about Forced Sex

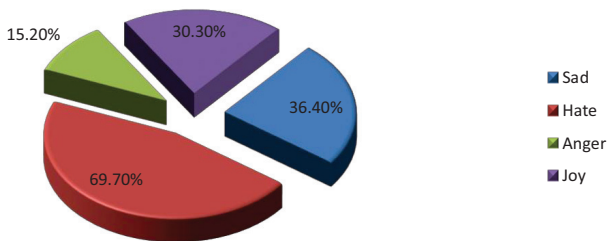


Diagram 33 Shows feeling about forced sex in Khuzestan province

● Male domestic violence

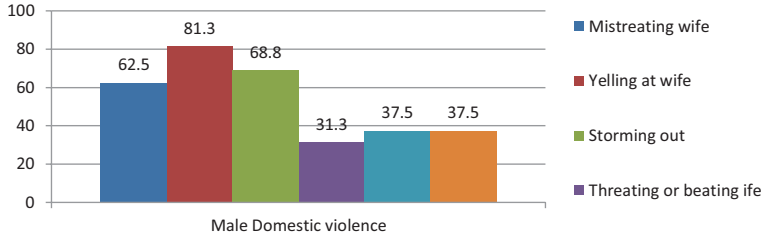


Diagram 34. MALE DOMESTIC VIOLENCE IN SISTAN AND BALUCHISTAN PROVINCE

## 5. WEST AZERBAIJAN



### Geographical Span of the Research

The West Azerbaijan province is located in North West of Iran in a mountainous region bordering Turkey, Iraq and Nakhchivan Autonomous Republic. Despite



the province's name which 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 people<sup>332</sup>. People in Kurdish cities mostly are Sunni Muslims whereas in the Turkish cities are mainly 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'. In ECM of boys' marriage, West Azerbaijan province has the third and fourth ranks in the age groups '10 to 14' and '15 to 19' respectively. 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 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.

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<sup>332</sup> 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 study with a rich spectrum of enormous differences and variation in each designated district. For example, in places such as Babol Abad (Khoy) a most popular and accepted way of marriage is running away from home to get marry and in 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 (Urumiyeh) 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 seem to be an issue that would thwart marriage. In Torkan what was observed were the high levels of exchanging women and runaways. In these case prominent community leaders, religious leaders or clerics will 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

The marriage age in all areas was similarly 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 technological sources of communication. Parents often resorted to blocking the use of cell phones and social networks to limit the influence on children's previous 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 flourishes 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.

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Girls tend to drop out of school in the preparatory time before marriage or shortly afterwards. Education is simply not viewed as beneficial to girls because schools are inaccessible or expensive. In reality the predominant reason is that parents do not see the value of education for their daughters as it is not viewed as relevant 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 itself a function of the girl's education potential. A girl who has a lower education prospects faces smaller expected losses in future earnings and thereby have lower incentives to continue to study as compared to girls who are academically stronger.

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**“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

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. It is clear that child the West Azerbaijan province spells the end to a girls' 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.<sup>333</sup> The average level of attained education in West Azerbaijan province was fifth grade primary. Learnt household skills overshadow formal education.

**FIGURE 20 THE PROVINCE HAS MIXTURE KURDISH AND TURKISH PEOPLE- PHOTO BY: KAMEEL AHMADY**

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.

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<sup>333</sup> 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.

Bafflingly, the young mother, herself an ECM survivor perpetuates and carries on the legacy by not allowing her daughter to an education and to make decisions on her own. 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

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**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

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. Women who marry as children mechanically agree to their husbands' demands as ECM is an aspirational norm.



The role 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 illnesses, infections, 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.

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. 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 were lower and had been reduced in the village, owing to claims of reproductive progress and development.

## 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.

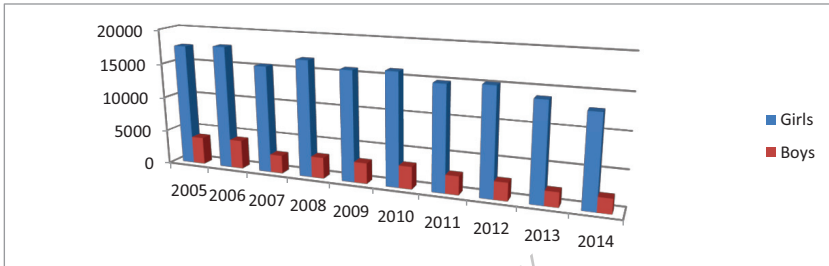


Diagram 35. Marriage under the age of 18 in West Azerbaijan province

As per the following diagram, divorce rates are increasing yearly for both genders but the increasing levels are higher for girls under the 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. Because of the stigma associated with divorce, and the position of women in the community, broken marriages leave many girls living alone and raising children with no support.

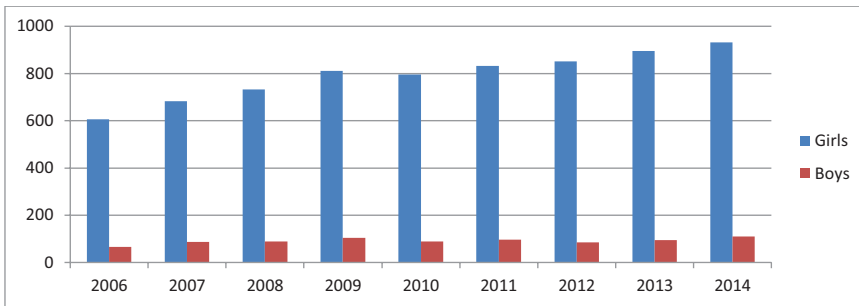


Diagram 36. Divorce frequency less than 18 years of age in West Azerbaijan province

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 age of 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.<sup>334</sup>

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 30 to 40 % of the aggregate number of marriages.

<sup>334</sup> Speech by Ruby Goddard Young Widows: A neglected Gender and Human Rights Issue  
[www.nawo.org.uk/wp-content](http://www.nawo.org.uk/wp-content)

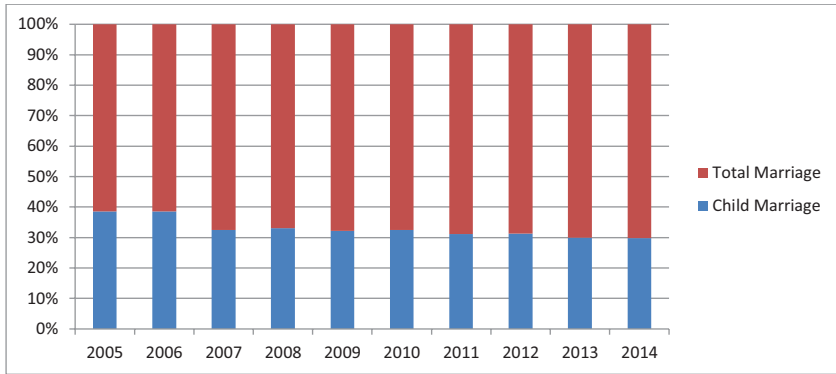
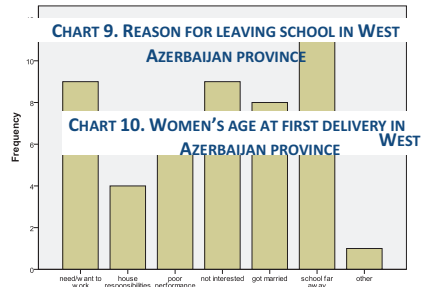


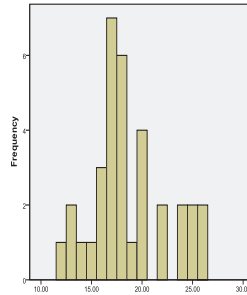
Diagram 37. ECM ratio in West Azerbaijan province

## 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 using a random sampling method, 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. None of the respondents were still in school. Respondents cited the 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.



### ● Female reproduction

61.8 % of women 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 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 them have their formal engagement decided by their family.

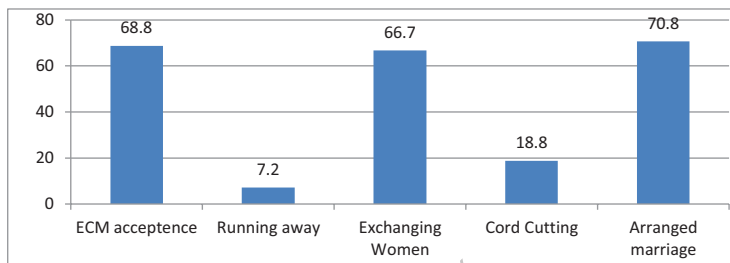


DIAGRAM 38. PREVALENCE OF MARRIAGE FORMS IN WEST AZERBAIJAN PROVINCE

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

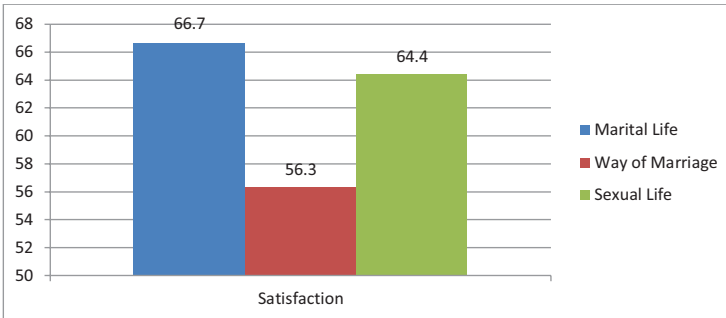


DIAGRAM 39. SATISFACTION WITH MARRIAGE IN WEST AZERBAIJAN PROVINCE

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 wife's 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.



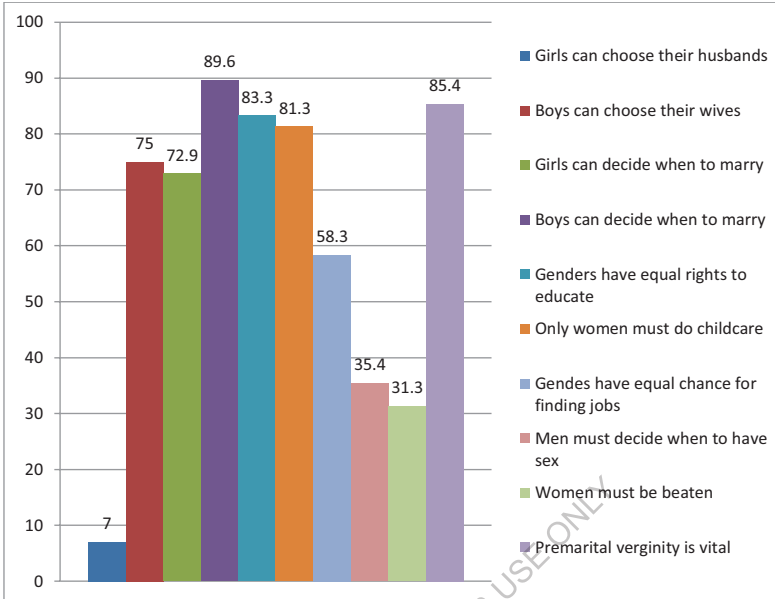


DIAGRAM 40. AGREEMENTS ON GENDER ATTITUDES IN WEST AZERBAIJAN

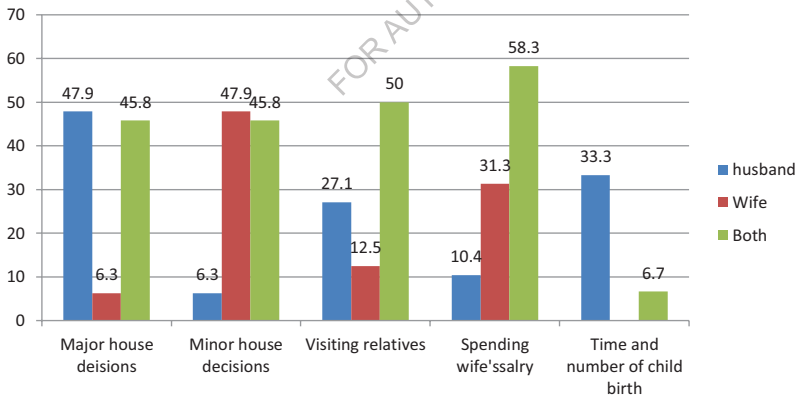


Diagram 41. House decision making in West Azerbaijan province

### ● Female Sexual violence

Paradoxes and contradictions were rife in the females' responses. Many of the females did not differentiate between being unwillingly touched against one's will and forced 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

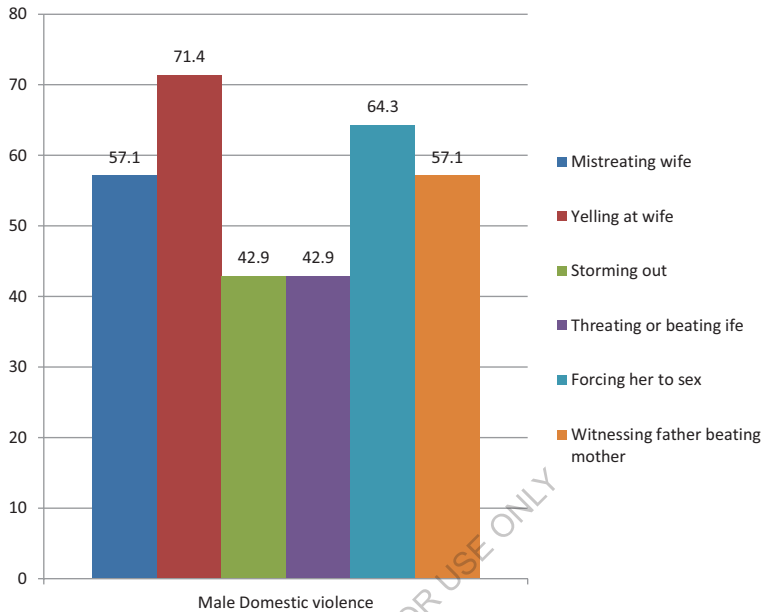


DIAGRAM 43. MALE DOMESTIC VIOLENCE IN WEST AZERBAIJAN PROVINCE

As per the findings, yelling at women occurs on plentifulness levels in west Azerbaijan with the ratio of 71.4%. 64.3% of husbands forced women to have sex. 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.<sup>335</sup> Fars, Arab and Baluch nationalities are residents in this province. Its geographical proximity to Qatar, Dubai, Oman and Yemen has had a cultural and an economical effect on the province. 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.

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<sup>335</sup> The National Organization for Civil Registrations, 2014.

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

### Observational Scanning

One common belief in the Hormozgan province, similar to other provinces in tropical areas, is that the heat and temperature encourage pubescent development and growth. Girls reach 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.



**FIGURE 22** LOCALS FROM HORMOZGAN PROVINCE, HIGHEST RATE OF FGM AND 5<sup>TH</sup> PROVINCE IN ECM IN IRAN-PHOTO BY: KAMEEL AHMADY



**FIGURE 21** HEJLEH ROOM IN QESHAM ISLAND HORMOZGAN PROVINCE-A PHOTO BY: M MAAREFVAND

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, 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 cleric 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.

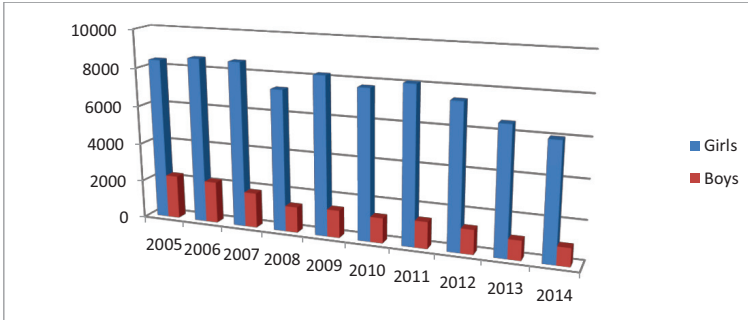


DIAGRAM 44. MARRIAGE UNDER THE AGE OF 18 IN HORMOZGAN PROVINCE

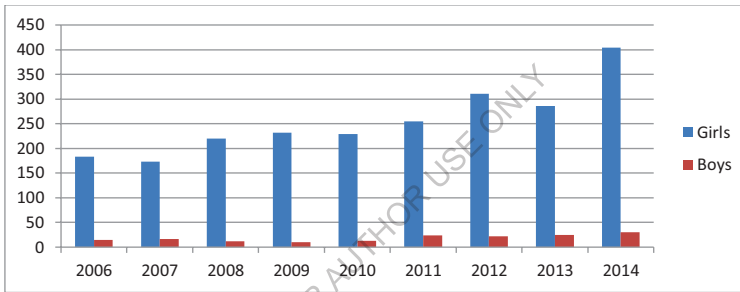


DIAGRAM 45. DIVORCE FREQUENCY UNDER 18 YEARS OF AGE IN HORMOZGAN PROVINCE

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.

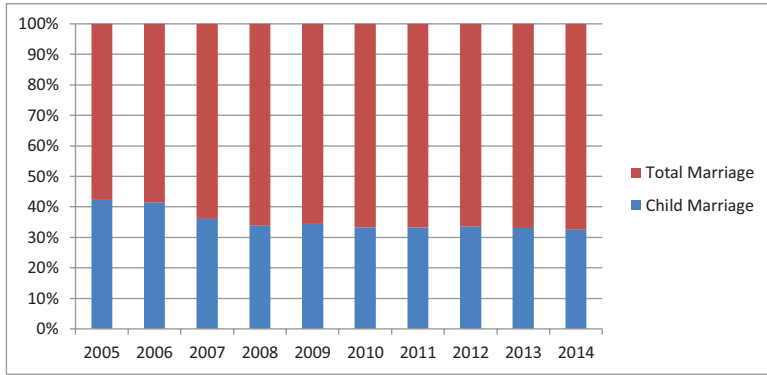


DIAGRAM 46. ECM RATIO IN HORMOZGAN PROVINCE

## 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

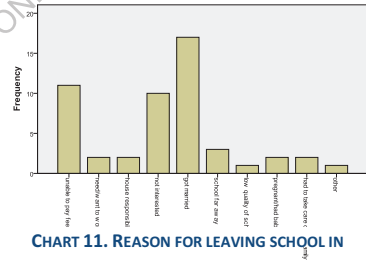


CHART 11. REASON FOR LEAVING SCHOOL IN

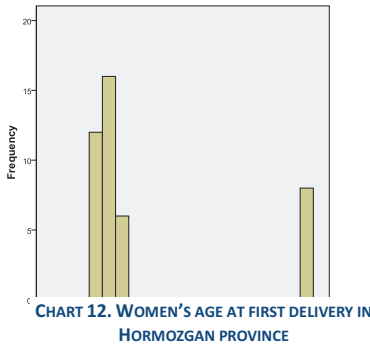


CHART 12. WOMEN'S AGE AT FIRST DELIVERY IN HORMOZGAN PROVINCE

the respondents live with their husband or wife 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 at least 1 delivery (26.2 %) and the majority of their post maternity care was assumed by 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 a child later 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.

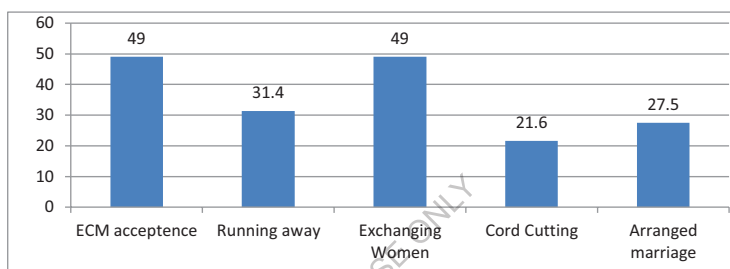


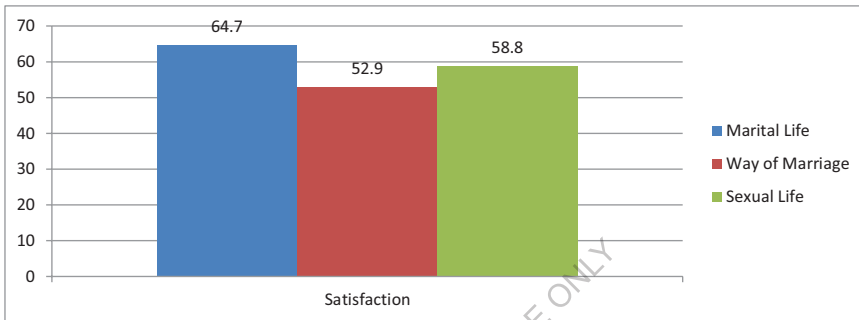
DIAGRAM 47. PREVALENCE OF MARRIAGE FORMS IN HORMOZGAN PROVINCE

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 about the same age as themselves. 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

In most cases sexual 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 reduced numbers of teen pregnancy as an advantage of late marriage. 51 % of the respondents heard about preventive ECM campaigns from television, whereas 27.5 % of them 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 this 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

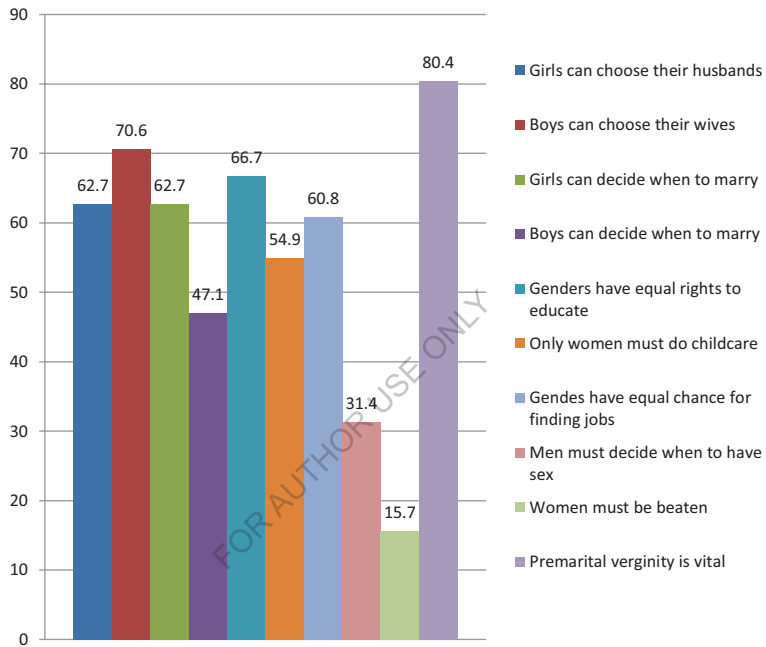


DIAGRAM 49. AGREEMENTS ON GENDER ATTITUDES IN HORMOZGAN PROVINCE

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.

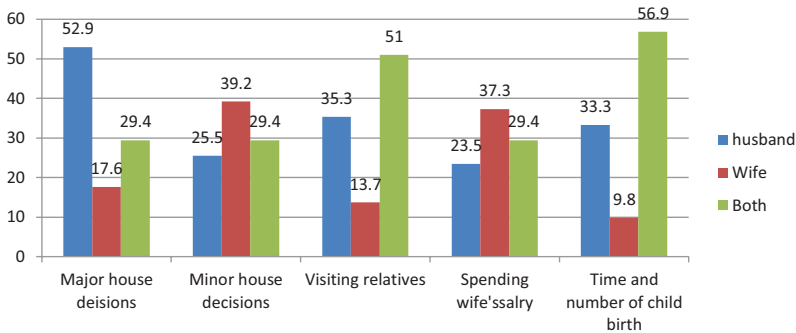


Diagram 50. House decision making in Hormozgan province

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

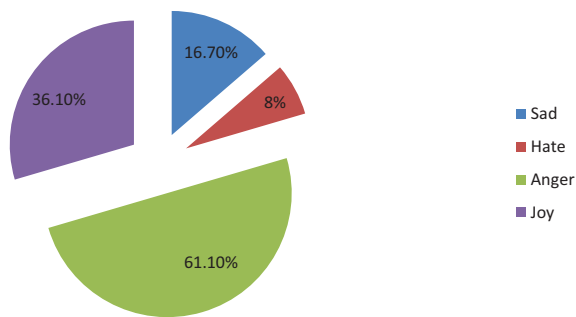


Diagram 51. Feeling about forced sex in Hormozgan

Male Domestic Violence

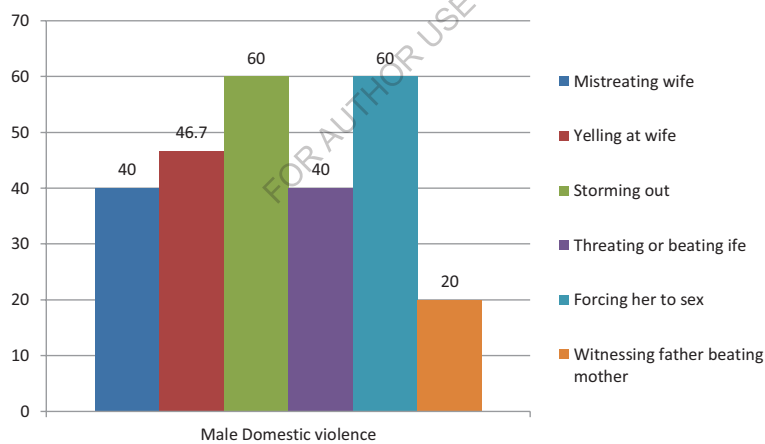


DIAGRAM 52. MALE DOMESTIC VIOLENCE IN HORMOZGAN PROVINCE

## 7. ISFAHAN



### Geographical Span of the Research

The Isfahan province is the last province chosen 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 Buyer Ahmad, Lorestan and Ghom, with each province acquiring 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 residents<sup>336</sup> 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*

<sup>336</sup> The National Organization for Civil Registrations, 2014.

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

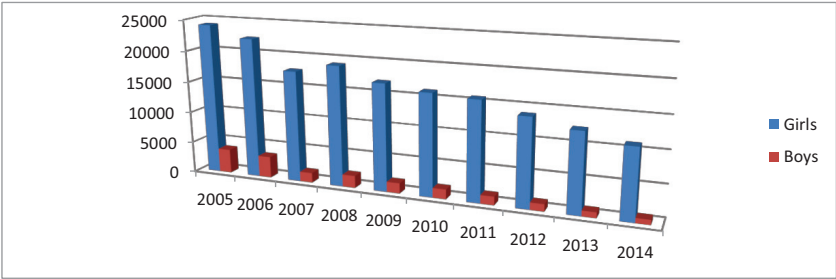
During the Iraqi war in Iran, Isfahan province received an influx of thousands of immigrants who came from the Khuzestan province and other border areas. The plethora of industrial factories proved to be a source of attraction for the jobless and homeless immigrants. Isfahan was a safe locale away from 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 of an issue 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

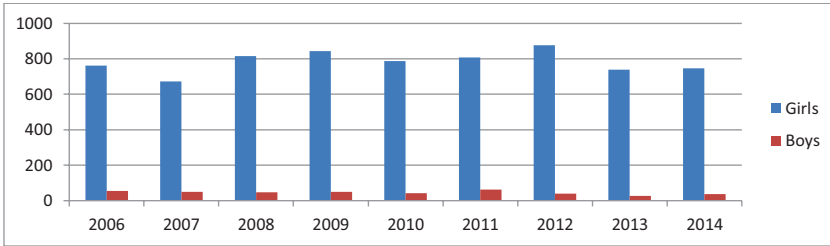


Diagram 55. Divorce frequency less than 18 years of age in Isfahan province

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 %

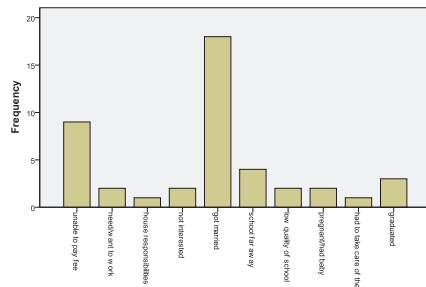


Chart 13. Reason for leaving school in Isfahan province

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

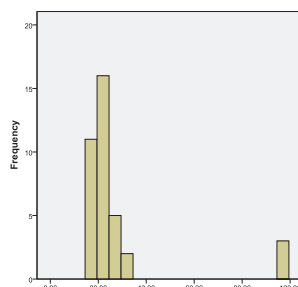


CHART 14. WOMEN'S AGE AT FIRST DELIVERY IN ISFAHAN PROVINCE

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 respondents were able to finish primary school, and only a meagre 13.6 % of them found the opportunity to continue until the 8<sup>th</sup> grade. House work and childcare (54.5 %) and self-employed jobs (25 %) were the prime sources of employment.

### ● 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 considerably low. A majority of 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 clues 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 not the person him/herself 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.

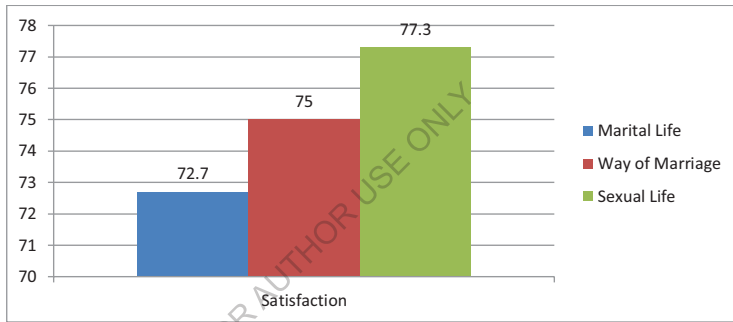


DIAGRAM 57, PREVALENCE OF MARRIAGE FORMS IN ISFAHAN PROVINCE

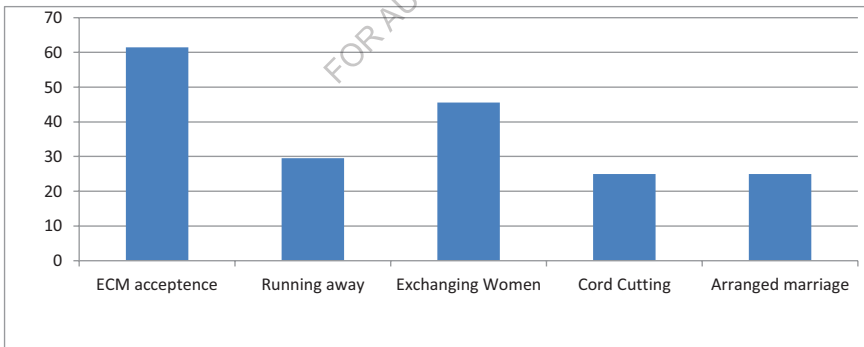
### ● Exposure to sex education and ECM preventive messages

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*

Most respondents (36.4 %) found 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 answers were given 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**

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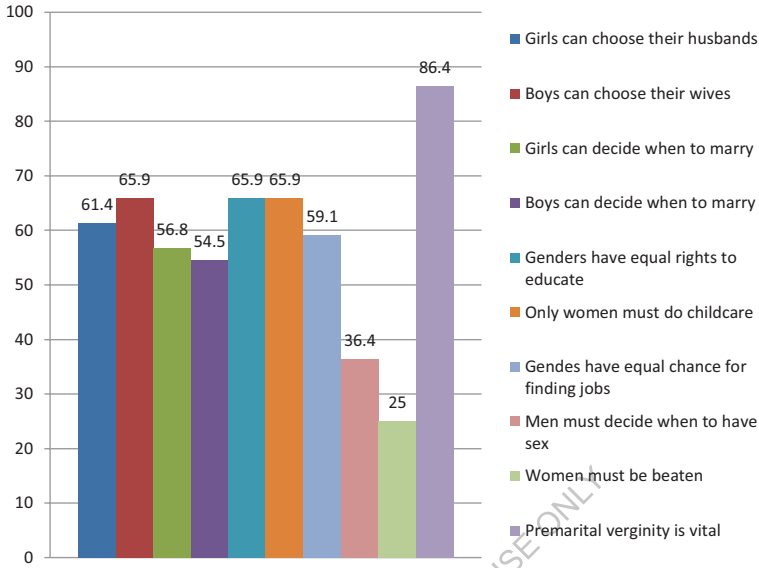


DIAGRAM 59. AGREEMENTS ON GENDER ATTITUDES IN ISFAHAN PROVINCE

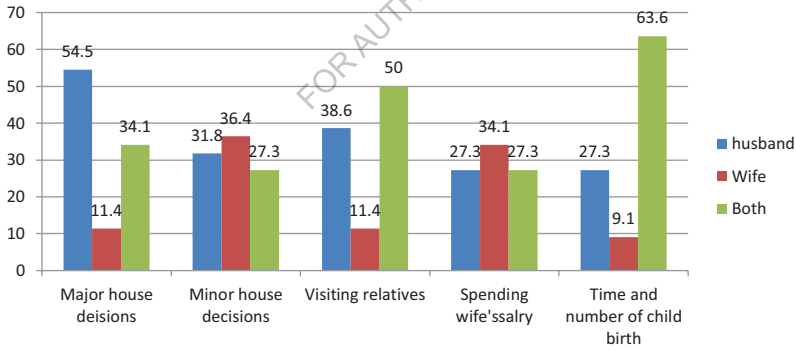


Diagram 60. House decision making in Isfahan province

## • Male domestic violence

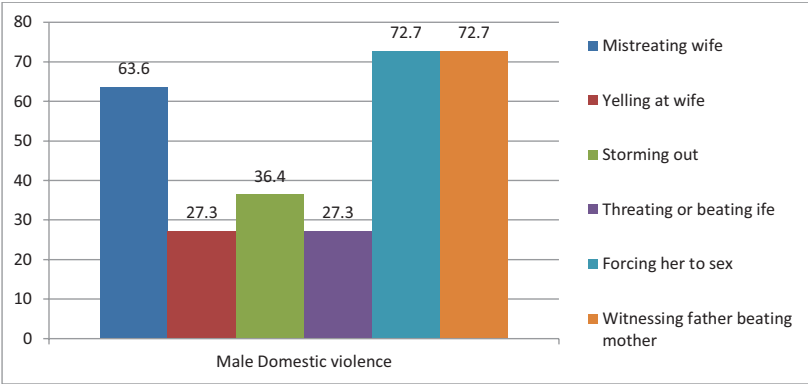


DIAGRAM 61. MALE DOMESTIC VIOLENCE IN ISFAHAN PROVINCE

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

Furthermore, as dominant norms and attitudes concerning child marriage are determined by social and material conditions, through altering these conditions (for example, improving education, eliminating poverty etc.) dominant ideas can be reshaped to support norms that are prohibitive rather than supportive of the practice of child marriage. ECM is a worldwide acknowledged phenomenon and in recent years the awareness and recognition of the detrimental effects of child marriage has globally attracted a great number of scholars' and world leaders' attention. The international opposition and condemnation to ECM is clear.

The international community has recognised the detrimental effects of ECM in delaying global sustainable development. Building on the Millennium Development Goals (MDGs) framed in 2000, 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 included 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'.<sup>337</sup>

However, glaringly missing in discussions and debates about ECM, is the loud silence about its occurrence and practice in Iran. Despite the considerable

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<sup>337</sup> 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

platforms of actions that have taken place, much is still unknown and much more needs to be done, particularly in a traditional patriarchal societies such as Iran. In Iran, many parents are typically motivated by predetermined social and sexual norms, poverty or humanitarian crises that are the driving root causes for ECM's mechanical adherence.



**FIGURE 24 BALOCHI CHILDREN NEAR PAKISTAN BORDER-  
PHOTO BY M MAAREFVAND**

This objective of this study is to contribute to unveiling and understanding ECM in Iran. 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. Iran has so far has remained quite peripheral in the literature on child marriage. The study has provided a descriptive overview of ECM and its impact by conceptually analysing the reality of young brides who have been forced entered into marriage.

The findings of this comprehensive study that centred on seven main provinces, shows that Iran is an enormous cesspool of those practising ECM. It is viewed as a universally revered social institution. The practice is not only commonplace in both rural and urban areas, but is actually an everyday occurrence played against culturally-embedded sexual norms and gender stereotype. The implications of ECM goes far beyond young girls brutal entrapped in this detrimental culture norm as ECM's effects has significant economic social, educational and overall

health ramifications that not only delays global sustainable development but also affect generations to come.

Ironically whilst overall rates of ECM has decreased in society compared to the 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, find employment, or simply enjoying 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.

The very first principal to consider is the spirit of research that is problem oriented. The direction and value of any social research relies on the amount in which it relates to real problems. FGM/C and ECM are both tied to a deep cultural context within Iranian society (where FGM/C is found) and therefore are basically problem oriented topics that entails time and effort. Considering that volatile issue-oriented studies in social science is a must, the solutions and recommendations that follow must also reflect the problem oriented nature of ECM.

As the topic of ECM is exclusively focused on the Iranian society, every single step that was taken in the study was precisely localized and coordinated with specific traits specifically targeted at the Iranian society. Based on the findings of the data, localized and clarified information are now available for each investigated district. In order to analyse ECM in the ambit of social life, questionnaires were

used as an analytical tool to interpret the ways of ECM's possibly interaction in the following social 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, wedlock customs, the level of exposure to ECM messages, gender attitudes on family and personal decisions, female sexual violence experience and male domestic violence. Through such lenses, the findings of ECM effects on the social climate is conceptualised with a view to providing an analytical ground for making coherent recommendations and remedial action.

These valuable sources of information are determinative to highlight what areas of improvements are needed in each specific province. As previously mentioned, only in the context of its specific culture, is where ECM is seemingly logic and rational. Without taken into consideration all the above mentioned social areas, any move 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 characteristics.

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 that is needed in order to bring about catalyst new policies and decisions. This study seeks to initiate a missing discussion and a call to action on ECM in Iran by proposing a set

of policy recommendations to address ECM. Moreover, the study seeks to intensify the debate, mobilise action and commitment on a larger platform.

The study has analysed ECM within three chapters;

Chapter 1 presents facts about ECM in the world whilst simultaneously scrutinising Iran. This includes the similarities between ECM and FGM as a form of sexual violence that takes place in early childhood that pave the way for ECM. Its roots, causes, effects and prevalence locations were discussed. Equally global records about ECM, its historical roots in the world and within Iran are explored.

Chapter 2 focuses on the determinative social roles in explaining ECM's existence in Iran. 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 prevalence is examined. Chapter 2 demonstrates the imposing strangle hold grip of religion that is quite influential, if not dominant, where ECM was 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 was also examined in order to underscore and fully appreciated ECM's grip in Iran.



**FIGURE 25 THE MAIN DECISION MAKERS IN SOME RURAL AREAS ARE TRIBAL AND FAMILY LEADERS- PHOTO BY: KAMEEL AHMADY**

Chapter 3 provides further details on each province with respect to the geographical span, social norms of marriage customs *via* provided statistical details. The seven tables of DHS questionnaires for each gender with tailored localized questions exclusive to each province revealed a treasure trove of information about ECM's distribution and diffusion in each respective district. 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 way of thinking when ECM is 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.

ECM is violation of the social fabric of human rights. There is a compelling recognition that in reality ECM is a profound human rights violation that undermines the enjoyment of the full range of fundamental rights and liberties to which young girls are entitled. Unless programmes of action are under taken to address early marriage, ECM will continue to be a significant obstacle and major stumbling block to the achievement of human rights. A wide array of international and regional human rights instruments address the interconnected facets of ECM marriage from various thematic perspectives that is often committed by parents and the community. The state itself carries on not addressing it and/ or giving it short shrift. ECM's dominance position in the gender inequality chain continues to flourish against the background of poverty, social expectations, sexual violence culturally-embedded sexual norms, gender stereotypes, social pressure and family hardship. This demands the necessity of

finding new policies and solutions and acceptance of new norms that reflect gender equality.

ECM is a social disease and all diseases cannot be cured and alleviated in the same way. ECM is both a cause and effect of violence against children. The male dominated power structures that control sexuality and reproduction and ECM emergence as a viable option to escape poverty and gender-based violence must be taken into account. Prescription to this harmful phenomenon must be flexible enough to include its nuances and how it operates within specific geographical jurisdictions. Regularly collect and analyse 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. This can only be achieved when there is an up to date data available to governmental agencies and authorities who can in turn make wise and gender sensitive decisions to prevent and eliminate ECM. Unfortunately what has been historically lacking is a dearth of academic studies and research that can be a reference to governmental policy makers.

The findings of the research and survey results can be briefly summarized in the following analytical model that depicts the relationship amongst the numerous independent variables that trigger ECM. The consequence of ECM as a new independent variable that shape dependent variables are on the right side of the model. Gender and area of residency (urban or rural areas) are considered as control variables.

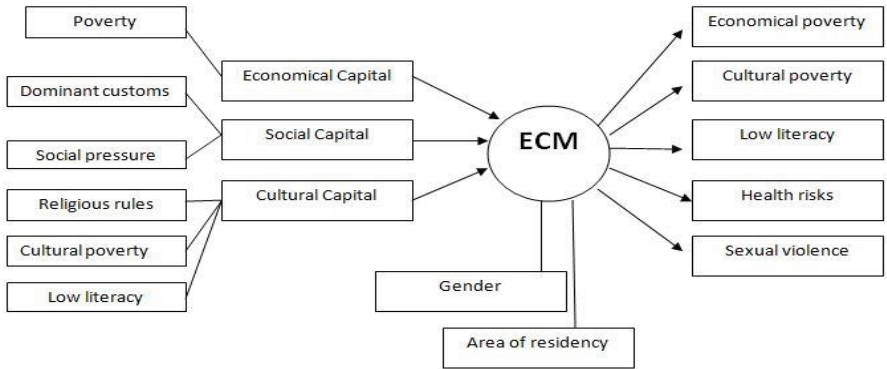


CHART 15. ANALYTICAL MODEL OF THE STUDY

Responses to ECM may geographically and culturally vary. 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 the other. For instance the means in which preventive messages about ECM are transferred to people are different depending on the region. A holistic, comprehensive and coordinated policy must factor the specificities of each respective culture as a one size fits all approach may not simply be feasible. This requires adaptability and flexibility. Policies must be cognisance of differences and variation when enacting a core action programme to eradicate ECM.

Although many of the respondents received no preventive message about ECM from any state protection services or social resources, there were also percentages of respondents who were exposed to ECM preventive messages by television or other media. As television and mobile phone can provide the technological means which initial contact is made, 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. It is therefore crucial to consider the role of television and media in each geographical place in diffusing ECM preventive message. For example, in Khuzestan, due to the very hot climate, working hours are limited to early mornings and late evenings. Most people spend their daily time inside their homes. On occasions like these, listening to the radio or watching television is a common activity that people allocate much of their time. ECM's preventive message could be easily and more efficiently transmitted to the populace via media and TV programmes. However up to now, there is no independent television or radio networks that are not state owned. What is seen on television is government sanctioned and approved.

Another example where the specificities of each province need to be taken into consideration is in the Sistan and Baluchistan provinces. These two provinces operate in a highly traditional-religious context with a very constant social form seen within the provinces. The domination of the imposing power of religion is one important factor that shapes and controls the collective thought process of the inhabitants. 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. Considering that religion is a justification given by many communities for ECM, 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.

This geographical sensitive responses can be seen in provinces such as East Azerbaijan where the geographical climate is conducive and profitable to engage in agricultural, gardening and beekeeping activities. Thus, unlike Khuzestan where the inhabitants have a tendency to stay in their homes, the rural residents in East Azerbaijan spend more time outside their homes than in 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. Other districts must also be viewed within the prisms of their own geographical characteristics as ECM cannot be prognosticated, prescribed and treated in the same way.

The discontinuance of the privileges of childhood also encompasses the discontinuance of education. ECM and school dropout are the twin events that mark the exit of young girls lives. The findings of the research were overwhelming in this regard. ECM is accompanied by a parallel and interconnected incident of dropping out of school. More so in a poor household, the value of pursuing girls education is directly related to the prospect of improving employment and earning opportunities. Low levels of education restrict girls' economic autonomy, thus increasing their vulnerability. In the case of a girl child, aspirations in the education and professional spheres may be stifled by predetermined gender roles that see a woman confined within domestic walls. In such cases, investing in girls' education clashes with the economics of poor households. What little resources that are available for the future of their daughter's money is invested in paying for wedding expenses and a dowry, rather than extending education.

Multiple other reasons were noted and varied according to the province. For example poverty and not being able to pay the fees were the more common reasons in Hormozgan province. In East Azerbaijan schools that were far away also were contributing factors that explained why respondents dropped out of school. Details on school dropout reasons are provided as an example. If a rational choice is going to be made, these facts reveal the infrastructure barriers that need to be torn down in order to make education accessible.

### *“Early marriage*

*is better, because the longer the girl stays at her father's, the more the problems. My youngest daughter was so interested to continue her studies, but her owner didn't let.*

*Male respondent, 45*

*Aghmiun Village, East Azerbaijan province*

## **ECM'S ACCEPTABILITY**

However, the essence of the underlying reasons why ECM prevails in the traditional ruling society of Iran is patriarchal ideologies. This is the reason why ECM has survived throughout the generations in traditional Iranian cultures where early marriage is more prevalent. Despite the fact that the majority of respondents (48 per cent), believed ECM needs to be abolished, many still steadfastly cling and practice it, even amongst those who denounce it. For them, ECM's harmful effects are a small price to pay for adherence to their traditional society norms.

When poverty is the determinant factor in family's decision making, ECM translates as a functional solution to decrease the family financial demands. Poverty stands in the way and can operate as a powerful force driving a

parent to have their child take refuge in marriage. Families find it mutually beneficial for themselves and for the child to marry a girl at an early age, as the girl's needs would no longer drain the family's meagre resources and would offer the girl a chance for a better life. ECM becomes an escape route from poverty and gender-based violence. Therefore parents use ECM as a tool to mitigate poverty. 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 mist of civil strife and or conflict. When conflicts or natural disasters affect a country, girls are the first to be hit. 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 hardship and violence. When humanitarian emergencies disrupt communities, the social fabric and fragile child protection structures break down. Parents resort to marrying off their children as a coping mechanism as a perceived way of ensuring a certain degree of safety and wellbeing, particularly when the risk of sexual violence increases. This feeling of a lack of safety is what triggers ECM. It becomes a safeguard and response to the sense of insecurity stemming from war and or civil strife. As seen in the survey results, in places 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 hallmark and social stratification. In other places it is cultivating pistachios. What was observed that within villages where the residents are in a higher economic class, the rates of ECM tend to rise. 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



**FIGURE 26 RELIGIOUS SCHOOL WITH OVER 5000 THOUSAND STUDENT IN KHORASAN REZAVI- PHOTO BY KAMEEL AHMADY**

sanctioning the sexual violence 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 in society and the fear of being ostracised for not following social norms are the triggering causes of ECM's prevalence.

The sanctity of marriage is upheld by religious beliefs. Religious prescriptions often translate into social norms and customary law, resulting in deep internalisation of standards that inform beliefs, attitudes and behaviours. Entrenched adverse customs and cultural and sexual norms that persist in Iranian communities help to sustain ECM. In traditional society in which a lack of virginity is still held as taboos, customs around marriage and engagement take shape to avoid these taboos from changing. In Iran girls are socialised on the sexual norms of virginity and chastity. Preserving what is considered the

honour of their daughters puts pressure on parents responsible for defending the status of the family or the clan.

Marrying girls young is seen as a means to minimise 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 seen as being at risk of entering a premarital sexual relationship. This fear is strong. It take precedent over girls' right to an education and their right to choose whom and when they marry. The findings of the study revealed this. 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 another person such as relatives and/or acquaintances. Deviating from the norm is rare. As soon as the child girl reaches a certain age (mostly in their early teens), she is considered a threat and must be married quickly as now she is mature enough to marry. A girl's autonomous decision-making capacity is dwarfed against her own will and consent as she is married to someone usually 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. Almost all of the parent respondents who had their daughters married at an early age mentioned this social force as an encouraging factor of decision (avoiding premarital sex was the first advantage of ECM claimed by respondents).

The nexus between the practice of ECM and labour results 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 provides a source of labour in rural places by adding a new member to the working

family. The extra hand now facilitates the work load in places where the main family income is derives from farming, carpet waving, livestock, etc. The use of the girl child as cheap or free labour emerges in some rural communities, where ECM follows a seasonal pattern that conveniently marches in tune with the agricultural economy.

The Iranian patriarchal society is essentially reluctant to undergo major societal changes and conventional traditions are to be obeyed unequivocally. One chief trait is to adhere to an unwritten hierarchical system of power contribution within the family. The patriarchal community considers it vital to have control over its younger generation. This fact legitimates the ECMs within the family lineage. After marriage, the young couple lives with the groom's parents in the same house, as they both are too young to independently afford living 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 many levels of 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

*“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*

*Alaván City's council's wife,  
Shoush, Khuzestan province*

generation is a means of uniting all family members in one place. This adds another layer on ECM's functional survival.

## **REASONS FOR ECM**

- In Chapter 1 what is discussed is the widespread acceptance of ECM through powerful cultural and social transmission mechanisms that have a drastic negative impact on the social development and the human rights of girls. This is wholly supported by our research. Chapter 1 also explores the respondent's attitudes on ECM. Our research shows that the effects of ECM jeopardises children's safety, development and emotional wellbeing. Children are brutally pushed into adults. Early marriage abruptly sanctions the end of childhood and prematurely ushers young girls in adulthood, depriving them of the necessary physical and physiological time afforded by adolescence to prepare their bodies, minds and emotions to become mature spouses, caring parents and proactive citizens. Child marriage interferes with the natural trajectory of this growth. These young girls are neither children nor adults because they are viewed as adults and yet they lack the decision-making power and autonomy of adults because they are effectively children. ECM distorts their identity and falsely labels them as adults. Their life is stranded in a no-man's-land where they are no longer girls and not yet women.

By placing children in adulthood roles, ECM affects the present and the next generation in terms of multiple pregnancies, restricted access to education and income generation opportunists, enforced social seclusion, early widowhood and



abandonment and trapping survivors in a generational cycle of outdated roles and rules. The acute gender based oppression permeates into the collective thinking process and passes on to the next generation.

In this context the subjugated role of women must be acknowledged. Evidence indicates that even married women, who may have been forced into ECM themselves, tend to internalise established social norms and practices, and echo the male decision makers as they mutely agree to the process of arranging unions for their daughter be married. This acceptance and attitude results in perpetuating the practice from one generation to the next generation. Women, with their lack of educational and social participation opportunities, transfer the same oppressive situation to their daughters. Neglecting the changes they could potentially make 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. Women carry on the customs without once considering ECM's chain of oppressive violence. It is important to note that the deep internalisation process started very young and stays with women all their lives as they acquiescent to the demands of their patriarchal society. The gender socialisation processes take place in a way to conform women's attitudes, behaviours and personalities' to patriarchal social. Their acceptance is due in part to the years of indoctrination of their own inferiority, low social status and lack of the power of negotiation with their husbands. Their own marriage, distance years away from its tragic beginnings, now give them a thin veil of respectability. The male dominated power structures controls their way of thinking as many are simply unable to think otherwise.

General perception and unmodified sexual behaviours is glaring with respect to sexual relationships. Having forced sex was a routine part of their marital life and the ability to discuss it or reject it was clearly not an option. This sexual subjugation was revealed in the 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. From a pre-marital situation in which socialising with the opposite sex and engaging in sex are socially discouraged or sanctioned, young married girls are plunged into another reality where they are quickly

*I've got no problems with anal sex because it's something that all men want and we have to accept that. Because you got to keep men satisfied. Your husband gets out of the house and you don't know where he is going. You ask them where were you and they say I was out. You keep pushing him and he'll go and cheats on you and you don't even know who he is having an affair with! That's why I have to have no problem with anal sex. Because you have to keep your man satisfied with all he wants from you.*

*Female Respondent, 27*

*Al-Khalaj Villagej, Bostan Absad,  
East Azarbaijan province*

expected to perform the sexual roles of a wife. Non-consensual sex forces girls into intimacy unwillingly. The inability to voice their feelings about the continuing with non-consensual sex translates into impunity or even outright sanction of sexual violence against children. In a patriarchal society, avoiding it is a sin.

Amongst the more than five hundred interviews conducted during the field work only ONE woman emphasized the power of mothers in controlling family's lifestyle. She was the only woman who talked about the ways in which women potentially have the power to change their surroundings and take part in decision making that by far have been the responsibility of men. Another example was seen with a Kurdish woman from Kalle Gavi village (Sardasht town.

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 in the family. As an outsider, she is likely to be kept at the periphery of discussions. This has been accepted by women as options are not present; they live it and mechanically accepted it without questioning because there is no choice. The power of self-restriction turns out to be a culture dominating women by themselves.

Marriage sanctions the passage in a woman's life, from growing up under the authority of her father or brother to now her chosen husband. In cultures where ECM is widespread, voicing an opinion and individual rights are secondary and not seen in patriarchal cultural settings where community norms inform personal decisions and behaviours, and decision-making processes are guided by the underlying premise of shared values rather than individual life choices.

Moreover, if gender empowerment is the goal that needs to be strived for, the grounds to plant the development seeds are pulling down the barriers that restrict girls' access to education, health, nutrition, recreation, and participation. Promotions 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 slow and difficult process. The “Sarda Act 1929” by India was the very first effort by the Indian government to put a stop to ECM by making it illegal for girls under

the age of 18. This has had no discernible effect as the analysis shows that India is one of countries with the highest numbers of child brides.<sup>338</sup> The multiple causes

underpinning child marriage imply that enacting legislation alone may prove insufficient to eradicate the problem from its roots. In 1990s, the Cairo International Conference on Population and Development somehow boosted the effort which was followed by the UN International Conference on Women in Beijing in 1995<sup>339</sup>.



Since the establishment of the millennium development goals (MDGs), it had been greatly assumed that it would end the gender disparities. However, the severity of ECM undermines the efforts to improve the wellbeing of millions vulnerable.

<sup>338</sup> Mukherjee, S. (2006). Using Legislative Assembly for Social Reform: the Sarda Act of 1929

<sup>339</sup> Malhorta, Warner, McGonagle&Lee-Rife (2013) Solutions to End Child Marriage: What the Evidence Shows. International Center for Research on Women.

The Millennium Development Goals (MDGs) framed in 2000, 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 includes 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. The 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.<sup>340</sup>

However, an analysis of these laudable objectives shows that ECM stands in direct conflict with the objectives of 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.<sup>341</sup> For instance, ECM threatens the attainment of the first six goals as it reduces and minimizes the chances for girls to be a part of the country's developmental process. The convoluted deeply entrenched social trap of ECM that operates in a male dominated power structure is a major cause of increase poverty levels, health risks and gender inequality, social expectations and culturally-embedded sexual norms that further GBV.

<sup>340</sup> 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](http://www.un.org/ga/search/view_doc.asp?symbol=A/70/L.1&Lang=E), accessed 9 October 2015

<sup>341</sup> Sustainable development goals: why ending child... [www.theguardian.com](http://www.theguardian.com)

It is worth mentioning that the Millennium Development did not address child marriage as a target even though ECM directly hindered progress on each of the eight goals.<sup>342</sup> The report lacks any reference to young adolescent girls, who we know are an important component of 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. No mention of communities to combat discriminatory social norms. Although there were strong references to ending violence, providing financial services and property rights, and calls for data to be disaggregated by gender and age, sexual and reproductive rights were missing. Equally, the need to tackle inequality at its roots by dismantling discriminatory social norms was missing. All of these above cited and unmentioned entities flourish and sustain ECM. Whilst the report does call for an end to ECM it does so solely under a justice frame, which leaves out critical health, education and empowerment precepts. Considering ECM's colossus impact in the above cited areas, this unfortunate omission was a missed opportunity.<sup>343</sup>

The content of goal three to "promote gender equality and empower women" does not contain an explicit reference of eliminating ECM. It is impossible to empower women when so many girls are married off and denied their rights to health, education and a life free from violence and exploitation."<sup>344</sup>

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<sup>342</sup> Protecting the Girl Child Using the Law to End Child, Early and Forced Marriage and Related Human Rights Vi

<sup>343</sup> Millennium Development Goals | ICRW [www.icrw.org/taxonomy/term/29](http://www.icrw.org/taxonomy/term/29)

<sup>344</sup> Uprati, Melissa, Why Ending Child Marriage is a Critical Part of the Post-2015 Development Agenda, See also Sustainable development goals, *supra* note 5

Similarly, there is a fundamental link between ECM and education (goal two).<sup>345</sup> Girls without any education are three times as likely to marry before 18 as girls with secondary or higher education. This in turn affects efforts to eradicate extreme poverty (goal one), since child brides miss out on the educational and economic opportunities needed to lift themselves and their families out of poverty.<sup>346</sup> This in turn encourages the high dropout rate amongst girls which further create an obstacle to attain goal 2.

The practice of early marriages is very common in countries that are in dire need of development. Regardless of geographical and cultural setting, child marriage seems to directly correlate with conditions that typically characterise poor development, such as rural residence, low or absence of education, and poverty, with pronounced disparities emerging in the prevalence of ECM. "This in turn affects efforts to eradicate extreme poverty (goal one), since child brides miss out on the educational and economic opportunities needed to lift themselves and their families out of poverty. 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. Mali is an example of this dire economic survival."<sup>347</sup>

Poverty and child marriage are closely interlinked. Both a symptom and a driver of poverty, child marriage precludes the possibility of education, employment

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<sup>345</sup> Sustainable development goals, *supra* note 5

<sup>346</sup> *Ibid*

<sup>347</sup> Population Reference Bureau (2005). 2005 World Population Data Sheet. Population Reference Bureau: Washington D.C.

and other economic development, and exposes girls to a multiplicity of vulnerabilities.<sup>348</sup>

Child marriage also is a cause for the increasing maternal and infant mortality which undermines progress towards goals four and five. Unwanted pregnancies propel girls into high levels of physical and emotional stress for which their bodies and minds are not prepared. ECM opens the flood gates of high-risk and multiple pregnancies. There is pressure on her to demonstrate her fertility to her in-laws, husband and community, even before she is able to complete her own physical and sexual growth and even before she achieves the psychological and emotional maturity necessary to carry a pregnancy and take responsibility for a new life. Early frequent pregnancies can lead to permanent, debilitating injury prejudicial to the health and survival of both the mother and the child. 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.<sup>349</sup> Paradoxically, marriage 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.<sup>350</sup> Girls often display a lower level of awareness and knowledge about sexually transmitted infections (STIs).

With the end of MDGs, international NGOs, national governments, and grassroots movements have analysed the potential obstacles and identified strategies that

<sup>348</sup> Sanlaap, "Child Marriage: West Bengal Scenario", (n.d.), p.4.

<sup>349</sup> Nour, N. Child Marriage: A Silent Health and Human Rights Issue Rev Obstet Gynecol. 2009 Winter; 2(1): 51–56.

<sup>350</sup> International Parenthood Federation and the Forum on Marriage and the Rights of Women and Girls, "Ending Child Marriage", (2007), p.12



are needed to overcome ECM. The realization is that gender equality is a goal to achieve post 2015 development goals in health, education, governance, and economic empowerment. In this regard, Sustainable Development Goals (SDGs) have been designed to ensure gender equality, women's rights, and women's empowerment with many other development agendas. Efforts in this regards, were also made 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 SDGs<sup>351</sup>. 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."<sup>352</sup>

It has been understood that post 2015 era would do justice to eliminate gender disparities. Understanding the forces at play of prematurely married girls and preventing child marriage is a commitment made by the international community and national governments as a key step toward achieving the Sustainable Development Goals (SGDs) set in the post-2015 agenda for global human, social, economic and environmental development and, in particular, as a necessary route toward 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

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<sup>351</sup> United Nations Sustainable Development Solutions Network (2014) Proposed Sustainable Development Goals (SDGs) and Targets

<sup>352</sup> 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](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/.../A-HRC-24-2_en.doc)- Accessed September 16<sup>th</sup>, 2016

which have prevented women to be an active part of the global development gender process.<sup>353</sup>

## RECOMMENDATIONS

**The existence 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 take into account their vulnerabilities. The world has become more vigilant and alert to ECM as evidenced by the hundreds of studies and surveys that have been conducted that describe the proportion and distribution of ECM in different regions of the world. 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 these findings from the study concentrated on Iran, nonetheless ECM is not 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 children <sup>354</sup> and in the orthodox communities in Israel for example.<sup>355</sup>

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<sup>353</sup> THEMATIC REPORT: Unrecognised Sexual Abuse and Exploitation of Children in Child, Early and Forced Marriage

<sup>354</sup> NICEF, "Ending Child Marriage: Progress and Prospects", (2014).

<sup>355</sup> Ruth Halperin-Kaddari, "Finally in Israel: A Girl Is a Girl, Not a Bride", The Jerusalem Post, 2 December 1

There remains much to be done to combat ECM marriage in Iran. Based on the findings from the analysis and input from participants in the survey, the recommendations of the study are listed below. Many of the recommendations reinforce existing child marriage prevention programs and emphasize that multifaceted holistic approaches needed to tackle the problem of child marriage. The complexity of ECM requires that effective legal, policy and programme measures be taken by coordinating efforts at 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 authorities and policy makers must support its eradication and stop denying its existence. ECM exists and acknowledgement is sorely needed. Policy makers and government authorities continue to ignore this silent emergency. By putting aside this collective denial and validating the eye-opening facts, eradicating ECM starts to take seed. What is not being recognised is that understanding and accepting the problem is the first step to solving it. An example of this was explained in detail in Chapter 2 of this report. The Iranian government's new decision not to publish divorce census only erases the question instead of answering it.

Legislation defining age for compulsory education should progressively align with the minimum age for marriage. In Iran changing the laws on the legal marriage age, which currently is 13 years old for girls ( and a shocking 9 years

old with a court permission) and 15 for boys, demands an elevated marriage age. 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 continue to have a legal age of marriage lower than in the UN Convention on the Rights of the Child.

Official Registration of all births and marriages is mandated in order to negate existing child marriage by making it impossible. With a limited or lack of reliable official records of birth, it is difficult to determine a bride's age with certainty. Parental estimates can be inaccurate, false, and simply a lie. Registration is a critical step to counter the practice of ECM as it provides the proof of girls' age. Sound marriage registration is only possible if it can rely on timely and rigorous birth registration. Birth registration is a fundamental human right which supports the enjoyment of a host of other entitlements.

In countries where birth registration is not compulsory or is implemented inconsistently, marriage registration is liable 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 of girls being sought for early marriage. 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 registration act is an official legal recognition of her existence and a systematic structure for tracing history, and kinship. Moreover, registering births and marriages helps prevent ECM by proving the age of a girl and her partner and allows girls and women to seek financial and legal redress if the marriage ends.

The role of government is pivotal. Government, as the origin of every country's power base, can be a crucial in ECM's prevention. As previously mentioned the government must acknowledge ECM's existence and must want to eradicate it. The role of the government and civil society institutions is to develop and implement suitable systems to prevent or discourage ECM. However, the will of the government alone is not sufficient to combat ECM. A clear governmental commitment is needed to ensure the law is adequately enforced, particularly as social and cultural norms tend to override legal norms. Governments must show strong political leadership by making ECM of national importance and providing adequate financial resourcing across ministries to tackle the issue holistically. Government can further coordinating organizations' policies, provide funds for studies on ECM and other related research projects in order to diffuse the message to the populace about ECM. This is crucial to ensure protective and non-discriminatory legal frameworks, strict implementation of laws and policies, as well as provision of effective education and protection services, reproductive sexual health care and legal remedies to both married and unmarried girls.

This will require long term solutions rather than a quick fix short term solutions. An example of this quick fix solution was seen with the launching of separate schools for married girls. At first it appeared promising, but a deeper probe indicate this policy lead only to staggering investments on providing separate facilities and sustaining gender inequality.

Evidence widely shows that keeping a girl in school is crucial. As ECM interferes with girls' education, the education of girls pushes back child marriage.

According to research by the International Center for Research on Women, in 18 out of the 20 countries with the highest prevalence of child marriage, the level of education a girl reaches 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.

The importance of education as a tool to increase the age of first marriage is undeniable. 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.”<sup>356</sup> This shows that there has been improvement, but 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 through 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. The very act of girls attending school can reinforce the notion to the community that girls are still school age children.



**FIGURE 27 WOMEN AND GIRLS ATTENDING RELIGIOUS AND QURAN LESSONS-PHOTO BY: KAMEEL AHMADY**

*Educate the public about ECM and raising their general literacy is a must.* Based on the findings of this study, the respondents showed various ranges of glaring ignorance and or little or no knowledge about ECM’s detrimental and overall general harmful effects. ECM is both a cause of illiteracy and an effect of it. Any

<sup>356</sup> Child Marriage in Southern Asia-A Policy report by the Australian Aid, P 14

step in tackling ECM must include the necessity of diffusing the negative outcomes to the public. This is when the power of technology comes into play by using mass media campaigns and other innovative methods such as radio, TV, mobile phones and digital media to raise awareness of girls' rights and the impact of child marriage. Without this important factor, advancement is an unreal outer force that cannot be permanent.

Laws and policies play an essential part in preventing child marriage. Enforcing existing marriage laws and regulations seems to be one of the most requisite acts. Newly enacted laws and revisions on present articles in counties' civil code can optimistically rise the minimum marriage age up to 18. Many countries lack robust legal and policy frameworks which can help to prevent the practice and support married girls. A strong legal and policy system can provide an important backdrop for improvements in services, changes in social norms and girls' empowerment. Although the study showed that almost none of respondents had the slightest idea about the law and the legal marriage age, raising these legal ages from 13 and 15 to 18 and letting the public know and educating them about it, is what is naturally expected from the government.

Greater efforts 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 for prosecuting FGM and ECM ought not to be an exception. 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 together in coordinating their policies towards a unified ECM prevention scheme.

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. It is imperative that efforts be undertaken to mobilize communities with the provision of knowledge and education about its negative physical, psychological and social impacts. Community involvement in ECM must be reinforced. A comprehensive advocacy plan should be designed and implemented to promote the empowerment of children, girls in particular, as a social norm.

Profoundly entrenched are the social norms that view ECM as a deeply rooted practice which has been part of their culture for generations. Whether the practice is cited as cultural or religion, it is often driven by inequitable gender norms such as an 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. Working with families and the wider community to raise awareness of the harmful consequences of child marriage can change attitudes and reduce the acceptance of parents who decide to marry girls when they are still children. Messages that promote new norms and positive role models are an effective way to change attitudes about the value of girls and women.

Working with men and boys is a critical part of ending ECM. Men are agents of change. In many communities it is the men who hold the power and make the decisions. Interventions targeting fathers, brothers, husbands and future husbands are important in helping men and boys reflect on the gender based



status quo and to see the benefits of a community which values and supports girls and women to fulfil their potential.

Community programs should be conceived to benefit the families with financial incentive including helplines for victims, shelter and other safe places for girls. In addition to that, capacity building and education for community leaders and other key actors on the negative impact caused by ECM marriage will further help to ensure that it does not continue.

The 1994 International Conference on Population and Development put forth certain findings that hindered women's development and needed a review from the government of Iran. The conference stressed a 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.

Religious leaders are also key agents of change. They exert considerable influence over public opinion, build trust within communities and foster the cultural acceptability of deferred marriages. Potentially, religious leaders have the potential to play a key role in speaking out against child marriage and changing community attitudes. Religious leaders may also hold the key to changing social norms around the expected age at marriage for girls. It is therefore essential that religious leaders receive training on the adverse effects of child marriage. Given the influence of religion, approaching the issue through the enforcement of Sharia law may be an effective strategy. A comprehensive method must be put in place in training and consulting these

religious leaders in order to diffuse the preventive message. In communities where religious leaders play a prominent role in decision-making or influencing the prevailing norms, it is necessary to target their support as positive advocates for change.

The widespread traditional practice of temporary marriages further fuels the intensity of child marriages in Iran. 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 so-called fake or temporary child marriages. 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 exploitation. This is one of the prominent contributory factors to the increasing trend of child marriages in Iran. Tracking of such marriages is not easy as they are not registered transactions. This is no doubt a fact that registration of temporary marriages would not only highlight the ratio of the ECM prevalence in Iran but also would help in prevention of sex trafficking and child prostitution.

Empowering girls by giving them the opportunity to build skills and knowledge to understand and exercise their rights and to develop support networks, play an important part in ending child marriage. As girls are the

victims and later the survivors they are also the agents of change. Girls are the key to social transformation around early marriage. Young girls should be assisted to develop the necessary resilience to defend themselves from attempts made by adults, even well-meaning parents or elders, to marry them before they attain majority. In addition to protecting itself, 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 a no longer accepted tradition. Knowledge of marriage laws and reproductive right could be integrated into 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.

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'"<sup>357</sup>. The report further states that "Then in 2003, female parliamentarians successfully pushed through legislation that raised the legal age of marriage for girls to 13."<sup>358</sup>

Nevertheless, the laws on restricting child marriages are few and the level of punishment is not draconian enough to deter potential perpetrators.

<sup>357</sup> Child Marriage in Southern Asia-A Policy report by the Australian Aid, P.13

<sup>358</sup> Child Marriage in Southern Asia-A Policy report by the Australian Aid, P.13

Moreover the loops in Iranian's legal system provide gaps for violators to circumvent the law. Setting the legal age for marriage at eighteen is crucial. Iran should remove any reservations to international conventions concerning the definition of the term "child" or minimum marital ages. 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.

It is high time for Iranian legal authorities to incorporate international laws into their legal system or practice. As a signatory to CEDAW and the CRC, Iran has the legal responsibility, evidence by their signature to the 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.

A range of policy and programmatic actions are needed to assess and reduce early marriage and its impact. This includes data research. At present, there is a serious lack of data on all aspects of ECM, let alone 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 from its impact on wives, husbands, families and wider society. 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 is lack of awareness from the populace and deliberate indifference from the government. In Iran, the contemporary research bodies analyse child and gender based issues such as domestic violence and child education. ECM however has been largely ignored. This attitude of indifference towards ECM has resulted in a scarcity of data on the issue which has limited the knowledge about the issue to the domestic and international community. Many have no idea about the presence of ECM in Iran. Consequently in many global reports on child marriage, Iran is scarcely mentioned undoubtedly due to this lack of available data.

It is vital that more research on the topic is undertaken so that the world is cognisant that ECM in Iran is highly prevalent. The research would also facilitate the government, law makers, civil institution, analysts and policy makers in Iran to identified and combat the issue. Academic society, scholars and university researchers are needed to undertake more in-depth studies and country size reports on ECM to document the nature and prevalence child marriage and its ensuing sexual violence.

Lastly it is worth mentioning that ECM in Iran is supported by a religious force (including a religious government) and social norms. These two powerful elements trigger ECM and have caused this harmful practice to survive through generations. Any acts against ECM are indirectly targeting religious rules and social customs. It is this study's premise that any action against ECM, must focus on the role of religion and social norms in ECM.

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. In the world wide battle to eliminate ECM, Iran has been neglectful and neglected.

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According to the religious structure of Iran, maturity for girls begins with the first monthly menstruation, considered as the threshold of transition from childhood to adulthood which happens around age of 9. Although early marriage applies to both young girls and boys, in fact, the bitter reality of society indicates that the consequences and effects of the phenomenon of child marriage on girls are far more serious and dangerous. The official and state statistics suggest that between 500 to 600 thousand children per year in Iran are getting married. Now, there are around 14,000 child widows in the country, and according to estimates from the United Nations, 17 percent of all marriages in Iran are under the age of 18. This group fieldwork book research, as an effort to expose and deepen understanding of the issue of child marriage in Iran, has attracted the attention of civil activists, government policymakers, and some parliamentary representatives and MPs. It has provided the background to proposals for raising the minimum age for child marriage, amending Article 1041 of the Civil Code.



Kameel Ahmady is a British-Kurdish scholar working in the field of social anthropology, with a particular focus on gender, children, ethnic minorities, and child labour.

