

Extrait du Stop Stoning

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Gender Discrimination in Stoning

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Description :

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Stop Stoning

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Legalized Forced Marriage and Denial of Divorce Rights

The following highlights some aspects of the discriminatory Family Law. This law not only provides legal means for sexual abuse of young girls under the title of marriage but also makes it nearly impossible for a woman to get out of an abusive relationship. In essence, the Family Law of the Islamic Republic of Iran grants no sexual rights for women.

A young girl at the age of 13 is considered a mature woman and although she cannot vote, she can legally have an arranged marriage regardless of her will. The law officially defines the husband to be the head of the household which leads to specific legal privileges with regards to the Family Law. A married woman has no right to divorce. The right to divorce is reserved for the husband. The husband can marry four women simultaneously, i.e., have up to four wives. The husband can establish a sexual relationship with any other single woman through a temporary marriage (sigheh). Such temporary marriage need not be registered and does not require a marriage ceremony*. In special cases when a woman can obtain a divorce after years of struggle in the court, she will have no right to the custody of her children. The custody rights belong to the father of the children, and if he is deceased or incapable, the custody right is primarily given to his father or brothers. A woman is legally obliged to give in to her husband's sexual demands and do her best to satisfy him (tamkin).

When a man is in an unhappy relationship, he can easily dissolve the marriage and/or satisfy his sexual needs in a different relationship while a woman is stuck in a marriage, be it happy or unhappy. If a woman demands her sexual rights, she has to prove to the court that her husband is biologically incapable of satisfying her sexual needs. Lack of interest by the husband is not a sufficient reason for divorce in an Iranian court.

Punishments for Sexual Acts Outside of Marriage

The punishment for adultery is stoning to death. Fornication is punished by one hundred lashes. The punishment remains the same for the repeated offence only up to three times. If the offense happens for the fourth time, then the punishment is hanging. The 16-yr old Atefeh Sahaleh was hanged in public in the small town of Neka in the northern province of Saary in 2003 for the alleged sexual offence of fornication after having been punished three times by 100 lashes. There is no codified punishment for prostitution. Depending on the marital status of the offender, the offense will be treated as fornication or adultery. The punishment for a homosexual act is hanging. Two young men were hanged in public in Mashhad in 2005.

Discriminatory Judicial System

The legal definition of 'adults' in Iran includes girls above the age of 8 years and 9 months (equivalent to 9 lunar years), thereby making them liable to punishments such as flogging, hanging and stoning for sexual misconduct. The age for men is 15 lunar years.

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There are no female judges in the judicial system. The sentencing verdicts are issued by male judges, and further approved by other male judges at the High State Court (Divane Aali Keshvar).

The method of crediting the presented evidence is discriminatory and undermines women's dignity. A woman's testimony is considered worthy as half of a man's. That is, the testimony of two women is equivalent to the testimony of one man.

The most common method of proof of guilt in adultery cases is the judge's knowledge. The judge issues the sentence based on his own personal understanding of the case regardless of the evidence presented to the court, or rather, lack of it. The negative social stigma associated with female sexuality along with gender-biased interpretation of the Islamic law makes women highly susceptible to fall victim to punishment by stoning. As the stoning victims' lawyers have written in the appeal letter to the Head of Judiciary, Ayatollah Shahroudi, this method of proof is inconsistent and unacceptable.

Women Most Victims of Stoning

Out of the twelve stoning sentences that are currently being reviewed by the State Higher Court, ten cases pertain to women. Perhaps that is why the grassroots movement to oppose the law of stoning in Iran is rooted in the women's movement. The majority of activists working on the Stop Stoning Forever campaign are female lawyers who have first-hand experience with the Family Law in the court and have witnessed how the most basic human rights of their female clients are violated in the gender-biased family courts.

Discrimination in Practice of Stoning

In some cases, during a stoning, if a victim can escape from the ditch, they will be freed. The fact that a man is buried only to his waist, and a woman all the way up to her shoulders, means that women have a smaller chance of escape than men.

*The man has no obligation with regards to the possible child that may be born to a temporary wife.