

Court Decision on Marriage Age Will Only Promote Fornication and Immorality

News:

The Tanzania's Supreme Court of Appeal upholds 2016 ruling barring marriage before 18, by which girls under 18 years marriage is now illegal in the country following a legal challenge by child and women advocacy organization.

Comment:

Tanzania's Marriage Act of 1971 sets the minimum marriage age for girls at 15 with parental consent, and 18 for boys. Also it permits the marriage of 14-year-old individuals when a court is satisfied.

In 2016 Tanzania High Court in landmark decision ruled these provisions are unconstitutional, and directed the government to raise the legal age of marriage to 18 years for both girls and boys. The government filed appeal against 2016 decision, at last, in the final week of October 2019, The Highest Court of Appeal upheld the 2016 ruling.

"The decision was greeted with joys by child welfare and women's advocates as a grand victory especially the advocacy group called Msichana Initiative which led the effort to the legal challenge."

The secular organizations advocating girls, women and children's rights according to secular values are widespread in Tanzania and elsewhere, being used by capitalist nations to promote secular outlook regardless of people's cultures or religions. Regarding this petition, these advocacy organizations argued that the Marriage Act violated girls' fundamental rights to equality, access to education and dignity, etc., while blindfolded that marriage once reached puberty is a peak of dignity and protection for society.

Undoubtedly, behind these changes are the colonialists capitalists nations promoting ideas of 'freedoms', fatal ideas for the wellbeing of society, this can vividly be seen how blindly advocating late marriage while no tangible measures are in place to protect girls from fornication and other forms of exploitation. But in reality, in secular perspectives, all these are not issue, the only issue is to bar girls from being married till 18 years. It is laughing stock!

According to United Nations and Human Rights Watch estimations, three out of ten girls are married before their 18th birthday, which means that parents regards marriage as a protection to their kids.

The mentioned consequences of marriage under 18 years, including impacts on girls' health when they become pregnant, increased risks of domestic violence and pregnancy ends their education are not convincing. Because all raised from failure of capitalism to protect girls and women from domestic violence, failed health services, and poor education policies. Furthermore, indicating their total confusion by overlooking the reality of girls' life and human nature in generally.

The decisions by the Tanzania's Supreme Court of Appeal are highly welcomed by the Tanzania government in the name of respecting human rights, but in reality is an indication of a double standard and selective compliance of so-called human rights.

There are many issues in contrary with the so called "human rights" in Tanzania such as holding people mostly Muslim clerics in custody for many years without trial, all these have not been worked upon by the government that claimed to respect human rights.

In conclusion, Islam, on its side have settled everything clear in its jurisprudence. A woman becomes illegible to get married once reaching puberty. Regarding domestic violence, Islam has clearly stipulated roles of each in marriage, and once one goes beyond their limits, a qadhi (judge) will settle issues amongst them. Also, Islamic education policy made clear that seeking knowledge is a continuous process at all times, education and marriage are treated separately without affecting each other, but compromising each other while considering that the motherly role has a special place.

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