

OP-EDS TUESDAY, MAY 30, 2017

Child marriage laws in CA act as loopholes that allow for statutory rape

BY SARA TASNEEM | SPECIAL TO THE DAILY CAL LAST UPDATED MAY 31, 2017

I was coerced into a spiritual marriage at the age of 15 through a strict religious upbringing and through fear of a father who was physically and mentally abusive toward me for most of my childhood.

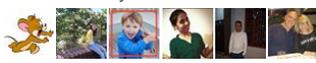
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My mother did not know I was being given away in a religious ceremony to a man almost twice my age. If she had known, she would have reported my kidnapping and statutory rape to the authorities. I met my “husband” to be the same day we were spiritually married. After the ceremony, he left the country with me. Then, at 16 and pregnant, we returned to California and were legally married. I was not yet able to obtain a driver’s license, but somehow under the eyes of the law, I was a wife.

You might be wondering how this happened here in the United States? My story is not as uncommon as you might think. There are many girls in the United States and in California who are legally married at surprisingly young ages. The legal age for giving sexual consent in California is 18 (according to Penal Code sec. 261-269), yet the marriage exception laws in the state of California allow minors to be married with no minimum age. This loophole in the California marriage law allows sexual predators to marry minors thus circumventing statutory rape laws.

Underage marriage affects all religions and backgrounds, and it thrives in the United States because many states, including California, have exceptions written into their marriage laws for minors to be married with parental consent. These laws disproportionately affect girls. According to a Pew Research Report, “approximately 5.5 in a 1000 minors (girls) are married in CA, compared to 4.6 in 1000 in the US overall.” Based on the American Community Survey findings, “between 2010 and 2014 6.8 in every 1000 15-17 year olds were married in CA.” California is ranked sixth in the nation per capita of 15- to 17-year-old marriages.

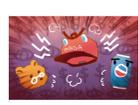
Senate Bill 273 proposed by State Sen. Jerry Hill seeks to amend current California marriage law in an attempt to close this loophole. SB 273 has been watered down significantly, and it does not go far enough to stop the abuse of minors in this state. Under the current proposed bill, minors would have to undergo separate interviews to determine permission to marry. While this is a step in the right direction, it will not serve to protect minors from entering into what most would consider the biggest contract of their lives. If minors do not have the ability to consent to sex, vote, or even buy a pack of cigarettes, they should not have the ability into a marriage contract where consent is questionable and easily coerced. There are cases where minors enter into successful marriages, but those cases are the minority. The overwhelming majority of underage marriages (70 to 80 percent)

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end up in divorce.

The religious group my dad was a part of coerced girls to get married at young ages. The youngest girl I knew who was forced into marriage was 14. She was forced to marry after being raped. Typically, a younger (virgin) girl was wed to an older man. This group was not in another country, they were based in the Bay Area.

Marriage should be a partnership, entered into willfully by both parties. My marriage was a far cry from that. I was still a teenager with hopes and dreams before I was forced to marry. When I was 15, I dreamed of being an attorney. Instead of pursuing an education, I found myself in a relationship where I was being controlled physically, mentally and financially. In our group, women were meant to serve and bear children. Having a career was out of the question, and thinking about a future beyond marriage and motherhood was highly discouraged.

I was desperate, however, to have a future beyond being a mother and wife and so I found my strength in fighting for my education. Against the wishes of the group, I started taking classes at City College of San Francisco. I took public transit each day to attend my classes. When I finally obtained my culinary degree from CCSF, and I got a job and my own car. I felt empowered enough to leave my unhappy marriage. It took me all of eight long years to finally leave. I was 23.

Why are the laws in the state of California not doing more to protect minors? The underage exceptions written into California's marriage laws must be done away with completely to prevent parental coercion and sexual abuse of minors.

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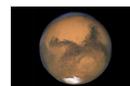
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