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THE PROBLEMS WITH POLYGAMY IN TURKEY, PAKISTAN AND UKRAINE

Polygamy was outlawed in Turkey in 1926 and carries a two-year jail sentence for violators. But with the recent influx of refugees into Turkey, most of them Syrian, activists say the practice is on the rise. And they accuse the government of turning a blind eye, failing to prosecute men who break the law by taking second and third wives, some as young as 10 years. Aid workers say Syrian women are driven into polygamous marriages by poverty, displacement and cultural attitudes. Before Kinda married Turkish merchant Celal, she had already been a second wife to a man in Syria. “He showed off his wealth and was a womanizer,” she said. When gangsters kidnapped and killed her husband, and then started threatening her son, her family paid smugglers to bring them to Kilis. They struggled financially, and marriage was a way for Kinda to ensure her and her son’s security [1].

Nearly 187,000 women in Turkey, a candidate country for EU membership, are in polygamous marriages despite the practice being illegal in the country, a report has revealed.

Polygamy is particularly common in the Kurdish south-east, where second wives are married in religious or cultural ceremonies and thus have little legal protection, the study claims. It found that men in polygamous marriages often seek a second wife if the first one is unable to bear them a child, particularly a male one, Turkish daily *Hürriyet* reported. The study looked at the pressures placed on women in the country due to gender inequality, including underage marriage, the paying of “bridewealth” and a preference for sons over daughters [2].

Activists and opposition politicians in Turkey have rounded on a law that allows Muslim clerics to conduct civil marriages, describing it as a blow to women’s rights and secularism and part of an ongoing effort to impose religious values on a polarised society.

The law allowing “mufti” marriages was passed by parliament and Turkey’s president, Recep Tayyip Erdoğan, then published in the country’s official gazette on Friday, despite protests by civil society activists and opposition lawmakers. Last month, Erdoğan declared the bill would be passed “whether you like it or not”. “Women’s rights are going to decline,”

said Nazan Moroğlu, an expert on gender law and a lecturer at Yeditepe University. “Everything that has been pushed on to women in this land has been done in the name of religion”.

Many people in Turkey, a Muslim-majority country, conduct religious ceremonies in addition to civil marriages, as do Syrian refugees who tie the knot in the country, and see it as a religious obligation. Other Middle Eastern countries do not allow civil marriages because of religious restrictions on Muslim women marrying non-Muslim men, but often recognise marriages performed abroad. Many couples in the region often travel to Cyprus or Turkey to conduct such marriages [3].

After the July 15 failed coup in Turkey, which has been followed by a purging of 50,000 accused dissidents, pro-government Islamist conservatives have been galvanized to preach their version of Islam in the media and on the country’s streets. Women’s rights activists worry that their efforts to fight practices like polygamy will be jeopardized by a stronger Islamist government. “We women are the most vulnerable population right now,” said Pinar, an activist who didn’t want to give her last name, on Thursday.

Frustrated by what they see as the government’s failure to protect the victims of polygamy, aid organizations are focusing on increasing awareness about the issue. Letting people know, for example, that if an underage girl can prove her family forced her into marrying an already married man, she has the right to get the union annulled [4].

A Pakistan court has jailed a man for six months for marrying a second woman without his wife's permission.

The court in Lahore also ordered Shahzad Saqib to pay a £1,433 (\$1,900) fine, rejecting his argument that Islam allowed him to have up to four wives. In Pakistan, men who take multiple wives usually do so after a period of several years - and must get written approval from their first wife prior to a second marriage.

Pakistan's Council of Islamic Ideology (CII), a body that provides legal advice to the government on Islamic issues, has often criticised the country's family law [5].

Muslim jurists have, over centuries, carried out admirable work in interpreting and developing Islamic laws based on the Quran and Hadith. However, they were all men and their work in fiqh is grounded in patriarchy and favour towards the male. The famous reformist scholar, Mohammad Abduh considered polygamy to be allowed, but restricted to certain conditions. Contemporary scholars such as Dr Fazlur Rahman, Khaled Abou El Fadl, Kecia Ali, Azizah al Hibri and Riffat Hasan are also bringing to light the compassionate and egalitarian content of the Quran.

An oft-ignored piece of Islamic law is the marriage contract that can include various clauses protecting rights of the wife. This can cover binding the husband to a monogamous marriage and equal right of divorce [6].

Marriage in Ukraine is made based on the Family Code of Ukraine. Only man and women can make a marriage so same-sex marriage is forbidden in our country.

Also, it is allowed to be married only with one person. So officially polygyny is forbidden as well. But at the same time, there is no criminal or administrative responsibility for polygyny in Ukraine.

Future spouses shall submit the application for marriage to the department of registration of acts of civil status or submit to a communal registration company. Both offices are acting under the Ministry of Justice of Ukraine. The application is being prepared right there by the officer. All the documents shall be submitted personally by the spouses. So it is not possible to submit required documents based on the power of attorney or by one of the couple. The wife is able to choose her future surname when submitting the documents [7].

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