

Immigration and Refugee Board of Canada

[Home](#) > [Research Program](#) > [Responses to Information Requests](#)

Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website.

24 October 2012

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Afghanistan: Whether seigha (temporary marriage) is practiced in Afghanistan and by which groups
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Overview

Seigha (also spelled *seegha*, *sigha*, *sighe*; also known as *fegha*, *mutah*, *nikah muta*, *nekah-e-mata*, etc.) is a form of temporary marriage (Reuters 15 Feb. 2006; AIHRC 22 Oct. 2012; Professor 22 Oct. 2012). Various sources indicate that it is practiced in Afghanistan by Shia [Shiite] Muslims (AIHRC 22 Oct. 2012; Women for Afghan Women 20 Oct. 2012; Professor 20 Oct. 2012). In correspondence with the Research Directorate, a representative of Women for Afghan Women, a women's human rights organization based in Kabul and New York (n.d.), stated that seigha is practiced by the Jafari sect of Shia Muslims in particular, but that in general, it is not very common in Afghanistan (20 Oct. 2012). Additionally, a representative of the Afghanistan Independent Human Rights Commission (AIHRC), Afghanistan's constitutionally established national human rights institution(n.d.), indicated in correspondence with the Research Directorate that seigha is not the "common" form of marriage, but that Shia Muslims are allowed to practice it (22 Oct. 2012). In contrast, a professor of conflict studies at Saint Paul University in Ottawa who researches gender issues in Afghanistan stated in a telephone interview with the Research Directorate that seigha is "widely practiced" among Shia Muslims in Afghanistan (Professor 23 Oct. 2012).

Sources indicate that Sunni Islam prohibits seigha marriages (Norway 19 May 2011, 8; Instructor 19 Oct. 2012; Reuters 15 Feb. 2006). However, an instructor of sociology and anthropology at Carleton University in Ottawa who has researched temporary marriages in Arab countries stated in correspondence with the Research Directorate that seigha is also practiced by Sunni Muslims in Afghanistan (23 Oct. 2012). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. Legislation

According to the AIHRC representative, seigha is not a legally documented or sanctioned practice, but it is "implicitly allowed" by the Shia Personal Law of Afghanistan (22 Oct. 2012). This law, also known as the Shiite Personal Status Law, was enacted in 2009 to formalize family law governing the 15 percent of the Afghan population that practices Shia Islam (*The Australian* 18 Aug. 2009; *Toronto Star* 5 Sept. 2009). An initial draft of the law contains a chapter on temporary marriage, which outlines the conditions for contracting, undertaking, and dissolving a seigha marriage; however, the entire chapter was omitted from the final version of the law (Afghanistan 2009, 3, 48-50).

3. Conditions of Temporary Marriage

Sources indicate that temporary marriages can be undertaken in secrecy (Instructor 19 Oct. 2012; Reuters 15 Feb. 2006). The duration of a seigha marriage is pre-established by a marriage contract (AIHRC 22 Oct. 2012; Instructor 19 Oct. 2012). Sources state that the length of a seigha marriage ranges from "one hour to 90 years" (AIHRC 22 Oct. 2012), "a day or till whenever [the couple] want[s]" (PAN 31 Aug. 2008), and "a couple of hours to months or years" (Instructor 19 Oct. 2012). The marriage automatically ends after the stipulated time period (*ibid.*; AIHRC 22 Oct. 2012).

According to the AIHRC representative, the marriage may involve a payment made from the groom to the bride, similar to the practice associated with traditional marriage (AIHRC 22 Oct. 2012). The professor stated that the payment is made from the groom to the bride's father or, in some cases, to the family of a widow's deceased husband if they have arranged the marriage (23 Oct. 2012).

The AIHRC representative explained that temporary marriage differs from permanent marriage in that the husband does not provide *nafaqa* (maintenance money or alimony) to his wife, and the spouses do not inherit anything from each other (23 Oct. 2012). Similarly, the professor stated that in a temporary marriage, the husband's responsibility for supporting his wife and children ends with the marriage, and the wife has no legal protection after the marriage ends, unlike in a permanent marriage (23 Oct. 2012).

4. Prevalence

According to various sources, seigha marriage is very prevalent in Iran (Professor 20 Oct. 2012; Norway 19 May 2011, 8). The practice has reportedly expanded to some parts of Afghanistan (Professor 23 Oct. 2012; Norway 19 May 2011, 8; Instructor 19 Oct. 2012). The instructor stated that seigha marriages have spread "to places like Afghanistan where refugees who were in Iran returned" (*ibid.*). Similarly, a 2008 article by the independent news agency Pajhwok Afghan News (PAN) (PAN n.d.) states that temporary marriage became "customary" among Shia Muslims in Balkh province in 2006 when refugees returned from Iran (PAN 31 Aug. 2008). Sources indicate that the practice has spread beyond the original community of returned refugees to the general Shia population (Professor 23 Oct. 2012; Instructor 23 Oct. 2012).

The PAN article indicates that according to the head of the women's affairs department in Daikundi province, temporary marriage has become more common than permanent marriage [in Daikundi] (PAN 31 Aug. 2008). According to Norway's Country of Origin Information Centre, Landinfo, sources suggest that the practice is found in central and northern parts of the country in particular (Norway 19 May 2011, 8). Similarly, the professor indicated that seigha is practiced by Hazara people in central and northern Afghanistan as well as in Herat (Professor 23 Oct. 2012). The professor added that in northern Afghanistan it is practiced by "powerful Hazaras and among a lot of mullahs," explaining that it is supported by more conservative mullahs due to the strong influence of the conservative Shia Islam of Iran (*ibid.*). She also indicated that seigha is practiced by Tajik people (*ibid.*). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

5. Purposes of Seigha

According to the Carleton University instructor,

[w]ar and conflict [have] brought about a number of widows and divorcees who engage in temporary marriages as a form of political economy in order to survive. This is particularly the case in countries like Iran, Iraq and Afghanistan where women may never have worked and the male [family] members could have been killed or [are] in jail. They will be married off in a temporary marriage to pay for their home, groceries, children's school. There is often great shame associated with this. (19 Oct. 2012)

A 2006 Reuters article documenting the rise of seigha in Afghanistan similarly states that almost all of the women in the northern city of Mazar-i-Sharif who have temporary marriages are divorcees or widows (15 Feb. 2006). According to the AIHRC representative, widows do not need the permission of a male relative to engage in a temporary marriage, although virgin women require the consent of their father or guardian (22 Oct. 2012). However, according to the professor, it is no longer primarily widows and divorcees who have seigha marriages, but any woman in any Shia community (23 Oct. 2012).

The Carleton University instructor also explains that young people enter into temporary marriage because poverty and unemployment has rendered them unable to afford a regular marriage (19 Oct. 2012). Similarly, the representative of Women for Afghan Women explained that [men] engage in temporary marriages for financial reasons, because it is "very inexpensive to take a seigha wife" (20 Oct. 2012). The representative of the AIHRC also indicates that seigha marriages involve less "condition[s] and requirement[s]" than traditional marriage (22 Oct. 2012). The PAN article indicates that temporary marriages can be extended into permanent marriages (31 Aug. 2008). The AIHRC representative similarly stated that some seigha marriages have turned into permanent marriages, but that such incidents are not the norm (23 Oct. 2012).

According to the professor, temporary marriage has "many moral and social implications that disadvantage and in fact may endanger women" (20 Oct. 2012). Similarly, the Carleton University instructor suggested that temporary marriages contracted for sexual purposes often leave women "vulnerable" after the marriage ends (19 Oct. 2012). The PAN article reports that the prevalence of temporary marriage in Daikundi province, including among young girls, has led to "difficulties" for women, who have no one to provide for them after their marriage ends (31 Aug. 2008). The same article also indicates that these women have few prospects for contracting a permanent marriage because virginity may be one of the conditions for permanent marriage (PAN 31 Aug. 2008). This assessment was corroborated by the professor, who added that many women enter into successive temporary marriages because they are unable to secure a permanent husband (Professor 23 Oct. 2012). The professor also explained that there are many widows and impoverished women in Afghanistan and that many temporary marriages are driven by desperation and poverty (*ibid.*). She added that since women have no control over the decision to marry, they can also be forced into temporary marriage by their father or guardian, who collects the payment from the groom (*ibid.*).

Sources indicate that temporary marriages are viewed by many as a form of legalized prostitution (Norway 19 May 2011; Professor 23 Oct. 2012; Instructor 19 Oct. 2012) and are therefore associated with social stigma (*ibid.*).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any

particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

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Additional Sources Consulted

Oral sources: Attempts to contact a representative of the Afghanistan Women Council, and a professor at Indiana University were unsuccessful.

Internet sites, including: Al Jazeera; Afghanistan Laws Database; Amnesty International; Association for Women's Rights in Development; British Broadcasting Corporation; *Daily Times Pakistan*; ecoi.net; Factiva; *The Guardian*; Human Rights Watch; Institute for War and Peace Reporting; International Federation for Human Rights; *Journal of Divorce and Remarriage*; PRWeb; United States – Department of State, Library of Congress.

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Date modified: 2013-07-17 [Top of Page](#)