

BIG STORY  
**big story**

# Can a victim marry her rapist?

Nineteen women organisations including Bahrain Women Union have come out in open against Article 353 of Bahrain Penal Code

## ● Call to scrap the draconian article gains momentum

TDI|Manama  
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Lawyers in the Kingdom say it's high time to scrap the legal loophole that allows rapists to escape jail if they marry their victims.

They allege Article 353 is still being retained in the Bahrain Penal Code because of the presence of backward-looking elements in the society, who continue to wield strong influence on the lawmakers.

Senior lawyer Ahmed Al Mulla said the clause no longer exists in many Arab countries. "Egypt was the first country to introduce this law, followed by all Arab countries. However, due to pressure from human rights groups, many countries including Morocco, Jordan, Tunisia, Algeria and Lebanon have scrapped the 'marriage clause'," he said.

"In Morocco, a 16-year-old girl committed suicide, after being forced to marry her rapist, through a family settle-



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MR BINHOWAIL

ment to extricate him from death penalty. Lawyers and civil rights activists fought hard to repeal the article."

Echoing a similar view, lawyer Faisal Al Jamaan said, "Rape is the highest level of violence against women. It degrades and humiliates her. There is no official statistics in Bahrain on this subject. Social order, customs and traditions in Bahrain and other GCC countries reject marriages between rapists and their victims."

"In Bahrain, many rape cases have ended in marriages to preserve the honour of families. The community pressure plays an important role in these circumstances," she pointed out.

On May 8, 2018, the House of Representatives discussed the amendment of Article 353. However, the draft law was withdrawn and the voting was postponed.

Nineteen women organisations including Bahrain Women Union have come out in open against the "draconian" article. They even expressed their anger over the inhuman side of forcing the victim to live with her rapist.

Meanwhile, on the flip side, a lawmaker affirmed that the Council of Representatives is not showing any leniency towards rapists as accused by women organisations.



**Article 353 of Bahrain Penal Code states that no person shall be sentenced to a penalty for committing any of the crimes stipulated in the preceding articles if a valid marriage is held between him and the victim. If he has been given a final verdict before the marriage contract, execution shall cease and his criminal effects shall end.**

Defending the committee's decision not to scrap Article 353, Parliament's Foreign Affairs, Defence and National Security Committee Chairman Abdulla BinHowail said, "Emotions shouldn't be involved while discussing such sensitive matters and legislations."

"These organisations portray that the committee is against the punishment of rapists, which is incorrect. The committee seeks the toughest punishment for rapists, but these procedures should be taken in co-ordination with the related official authorities," BinHowail said.

Elaborating further, the lawmaker explained, "We have reviewed the matter with Interior Ministry, the Supreme Judicial Council, the National Institution for Human Rights (NIHR) and legal advisers to the council. They all rejected the removal of the article."

"The offender will be punished, whether he marries the victim or not. What the committee suggested, in consensus with the concerned authorities, is to maintain the article and follow judges' assessment, with regard to exempting the offender if he marries the victim, which is very much rare in our society," he added.

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