

Special Rapporteur on violence against women, its causes and consequences E/CN.4/2006/61/Add.3 para.72 (e)

Full recommendation:

With a view to the adoption and observation of international human rights standards the Special Rapporteur recommends that the Government: (e) Fully implement the recommendations of the Committee on the Rights of the Child (CRC/C/15/Add.254) and of the Special Rapporteur on adequate housing, contained in the report on his mission to Iran (E/CN.4/2006/41/Add.2).

Assessment using Impact Iran human rights indicators¹

A. Fully implement the recommendations of the Committee on the Rights of the Child (CRC/C/15/Add.254)

Among the recommendations formulated by the Committee on the Rights of the Child in 2005, the Government of the Islamic Republic of Iran was called “to review all its legislation to ensure that it is non-discriminatory and gender neutral and that it is enforced”.² In 2016, the Committee also urged “the State to urgently repeal its laws and policies that are discriminatory against girls” and “to revise its legislation in order to ensure that girls enjoy the same rights and entitlements as boys in all aspects of life”.³

Article 3 of the Constitution of the Islamic Republic of Iran stipulates that the State has a duty to work towards “the abolition of all forms of undesirable discrimination and the provision of equitable opportunities for all, in both the material and the intellectual spheres.”⁴ Article 20 guarantees that all citizens of Iran, men and women, enjoy the equal protection of the law and of rights, “in conformity with the Islamic criteria.” Article 21 emphasizes that “the government must ensure the rights of women in all respects, in conformity with Islamic criteria”. According to Article 4 of the Constitution, the Guardian Council of the Islamic Republic of Iran is entrusted with defining and determining the framework of what constitutes the “Islamic criteria” or standards. Among the 12 non-elected members of the Guardian Council, only the six male clerics directly appointed by the Supreme Leader are responsible for such task. While the aforementioned provisions supposedly safeguard the human rights of women and protect them from discrimination, such legal guarantees only exist as long as they are in conformity with “Islamic criteria.” The opportunity for interpretation allowed under the qualifications such as “in conformity with Islamic

¹ CCPR.3.1.S.1; CCPR.23.4.S.1; CCPR.23.3.S.1; CRC.8.1.S.1; ESCR.3.S.1; ESCR.11.1.S.1; ESCR.11.1.S.3
CCPR.3.1.P.3; CCPR.16.1.P.1; CCPR.23.2.P.1; CCPR.23.3.P.1; ESCR.2.2.P.3; ESCR.2.2.P.1; ESCR.2.2.P.2; ESCR.11.1.P.1;
ESCR.11.1.P.2; CCPR.3.1.O.4; CCPR.23.3.O.1; CRC.8.1.O.2; CCPR.2.1.O.1; ESCR.2.2.O.2; ESCR.11.1.O.2

² CRC, 2005,

<https://undocs.org/Home/Mobile?FinalSymbol=CRC%2FC%2F15%2FAdd.254&Language=E&DeviceType=Desktop>

³ CRC, 2016,

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fc%2f15%2fCO%2f3-4&Lang=en

⁴ Constitution of the Islamic Republic of Iran, <https://irandatportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

criteria” has often resulted in provisions that discriminate or have a discriminatory impact on various grounds, including gender.

The Iranian Islamic Penal Code (2013) is largely based on the Government’s interpretation of Islamic *Sharia* precepts and contains provisions which directly discriminate between girls and boys under the criminal justice system. One of the most telling examples is the age of criminal responsibility, which is set at nine lunar years for girls (equivalent to eight years, nine months) and fifteen lunar years for boys (equivalent of fourteen years, seven months).⁵ Another example is the penalization, through the Islamic Penal Code (2013), of women and girls over the age of nine who do not comply with the Islamic dress code in public, notably with wearing the compulsory *hijab*.⁶

Additionally, many provisions under the Iranian Civil Code are discriminatory towards women. These provisions notably include the legal age of marriage,⁷ the share of inheritance,⁸ and the right to divorce.⁹ In marriage, the Civil Code provides rights to the husband over those of the wife,¹⁰ notably by establishing that the position of the ‘head of the family’ is the exclusive prerogative of the husband. Under Iranian law, the husband is entitled to control aspects of his wife’s life¹¹ and demand that she performs her ‘duties’.¹²

Child marriage continues to be permitted under Iranian law. The legal minimum age for marriage is 13 for girls and 15 for boys.¹³ However, children who have reached puberty can marry with parental consent and court approval.¹⁴ The predefined age of puberty under the Islamic Republic of Iran, and the age of legal majority, is 9 lunar years for girls and 15 lunar years for boys.¹⁵

Between March 2018 and March 2019, the National Organisation for Civil Registration reported over 30,000 marriages involving girls between the ages of 10 and 14, including 209 marriages

⁵ Criminal responsibility, Articles 140, 146 and 147 of the Islamic Penal Code, 2013 <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

⁶ Islamic Penal Code, 2013, Article 638, Iran Human Rights Documentation Center, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

⁷ Article 1041, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

⁸ Articles 861 to 948, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

⁹ Article 1133, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

¹⁰ Articles 1102 to 1119, 1133 to 1142, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

¹¹ For instance, under Article 1117 of the Civil Code of the Islamic Republic of Iran “The husband can prevent his wife from occupations or technical work

which is incompatible with the family interests or the dignity of himself or his wife.” <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

¹² Article 1108, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

¹³ Article 1041 of the Civil Code as amended up until December 2000, NGO Impact Iran Coalition, Joint Submission to the Committee on the Rights of the Child, 2016,

https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/IRN/INT_CRC_NGO_IRN_19809_E.pdf

¹⁴ Iran Human Rights Documentation Center, https://iranhrdc.org/wp-content/uploads/pdf_en/LegalCom/Womens_Rights_Commentary_389929723.pdf

¹⁵ Committee on the Rights of the Child, 2016, CRC/C/IRN/CO/3-4, paras. 27–28 <https://undocs.org/en/CRC/C/IRN/CO/3-4>

involving girls under the age of 11.^{16 17} However, the number is likely to be higher as many child marriages are unregistered.¹⁸ In January 2020, the Secretary General highlighted that “the Government [of the Islamic Republic of Iran] expressed the view that setting the minimum age of marriage regardless of the cultural context would increase unregistered marriages.”¹⁹

Despite various bills currently being reviewed which seek to prohibit early marriage in the Islamic Republic of Iran,^{20 21} girls and boys as young as 9 and 15 lunar years respectively can still get married under Iranian legislation, as of January 2021. In 2016, the Committee on the Rights of the Child stated that the legal age of marriage in the Islamic Republic of Iran “gravely violated rights under the Convention [on the Rights of the Child] and placed children, in particular girls, at risk of forced, early and temporary marriages, with irreversible consequences on their physical and mental health and development.”²²

The Islamic Republic of Iran has not fully implemented the recommendations of the Committee on the Rights of the Child.

B. Fully implement the recommendations of the Special Rapporteur on adequate housing, contained in the report on his mission to Iran (E/CN.4/2006/41/Add.2)

In their report, the Special Rapporteur on adequate housing recommended the Islamic Republic of Iran to “Fully implement the Constitutional provision which establishes the right to adequate housing for all Iranians, despite their ethnic or religious origins, resulting in equal distribution of development resources” and to “Focus on historically marginalized provinces, such as Ilam, Khuzestan and Sistan-Baluchestan, with budget allocation aiming at ensuring the realization of human rights.”²³

According to Article 31 of the 1979 Constitution of the Islamic Republic of Iran “Every Iranian individual and family is entitled to a dwelling appropriate to its needs.” The Government is required to provide this, while giving priority to the people who need it the most, in particular peasants and workers. In addition, Article 19 of the Constitution states “All people of Iran, whatever the ethnic group or tribe to which they belong, enjoy equal rights; color, race, language, and the like, do not bestow any privilege”. Additionally, Article 20 emphasizes that “All citizens

¹⁶ Report of the Secretary General, Situation of Human Rights in the Islamic Republic of Iran, 2020, para 37 https://www.ohchr.org/Documents/Countries/IR/Report_of_the_Secretary-General_on_the_situation_of_human_rights_in_the_Islamic_Republic_of_IranA4320.pdf

¹⁷ See www.sabteahval.ir/avej/tab-1499.aspx (in Farsi)

¹⁸ Report of the Secretary General, Situation of Human Rights in the Islamic Republic of Iran, 2020, para 37 https://www.ohchr.org/Documents/Countries/IR/Report_of_the_Secretary-General_on_the_situation_of_human_rights_in_the_Islamic_Republic_of_IranA4320.pdf

¹⁹ Ibid.

²⁰ Information from Impact Iran; see www.tasnimnews.com/fa/news/1397/11/17/1941311/

²¹ Act on Protection, Dignity and Security of Women against Violence.. For more up to date information on the passage of this bill, please click the following link: <http://www.impactiran.org/vawbill>

²² CRC/C/IRN/CO/3-4, para. 27-28 <https://undocs.org/en/CRC/C/IRN/CO/3-4>

²³ Special Rapporteur on adequate housing, 2006, <https://undocs.org/Home/Mobile?FinalSymbol=E%2FCN.4%2F2006%2F41%2FAdd.2&Language=E&DeviceType=Desktop>

of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria.” These laws seemingly guarantee access to adequate living conditions for all, including ethnic minorities.

In recent decades, the Iranian government has implemented various plans and programs to reduce the problems associated with providing housing in Iran. But over the years, and with the implementation of many projects and construction, housing-related problems, including the need for affordable housing for all, especially the low-income and vulnerable individuals, many of whom are members of ethnic minorities, still exist. The Housing Foundation and the Imam Khomeini Relief Committee, as the two bodies responsible for providing housing for the low-income and "responsible for organizing and addressing the livelihoods of the poor and needy," signed a Memorandum of Understanding in 2016 for the construction of 20,000 units of "supportive housing" in rural areas, yet there is a scarcity of reports that would indicate that this measure has alleviated the affordable housing crisis in Iran.²⁴

In 2007, Mahmoud Ahmadinejad introduced the Mehr housing plan which planned to create 2.2 billion new housing opportunities for low income and disadvantaged individuals. By the time Hassan Rouhani came to power, this plan had not been implemented and only around 700 thousand housing units had been built. Additionally, this housing project focused on building houses outside of the main urban areas with lack of access to transportation and basic necessities. In 2019, Hassan Rouhani once again vowed to implement this housing initiative, yet no major progress has been reported in the months since and low-income families still struggle to find affordable and adequate housing in the midst of heavy sanctions by the United States, which have devalued the Rial greatly.²⁵ Reports indicate that Iranian low-income families still struggle to find housing opportunities that provide the most basic human necessities like sanitation, running water and heat.²⁶ As of March 2021, there are no readily available updates on the progress of this project.

Ethnic minority-rich regions in Iran have historically experienced low levels of development due to neglect from the Iranian Government. Sistan-Baluchestan, predominantly inhabited by the Balouch ethnic group, is Iran's poorest province²⁷ with the majority of its population living below the poverty line.²⁸ Despite the region's rich oil reserves which has led to major investments from the government, such developments have not benefited the Balouch people.²⁹

²⁴ <http://www.jahannews.com/sdcez78nejh8pzi.b9bj.html> and <https://www.maskanco.ir/Components/News/View/NewsPDF.aspx?id=920&lcid=1033>

²⁵ Al Jazeera, <https://www.aljazeera.com/ajimpact/iranians-struggle-afford-housing-prices-soar-190730150209889.html>

²⁶ Al Jazeera, <https://www.aljazeera.com/ajimpact/iranians-struggle-afford-housing-prices-soar-190730150209889.html>

²⁷ Minority Rights Group, <https://minorityrights.org/publications/seeking-justice-and-an-end-to-neglect-irans-minorities-today-february-2011/>

²⁸ Minority Rights Group, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

²⁹ Minority Rights Group, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

Similarly, the Khuzestan province, predominantly inhabited by Ahwazi Arabs, has experienced high rates of poverty. Reportedly, a high number of Ahwazi Arabs live in informal settlements, often due to displacement. These settlements are known for the inexistence of the most basic living conditions, such as a functioning sewage system, electricity, medical facilities and even schools.³⁰
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In light of the above, the Islamic Republic of Iran has not fully implemented the recommendations of the Special Rapporteur on adequate housing, contained in the report on his mission to Iran (E/CN.4/2006/41/Add.2).

Recommendation Status:

This recommendation has **NOT** been implemented.

³⁰ UNPO, https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/IRN/INT_CESCR_NGO_IRN_14268_E.pdf

³¹ Minority Rights Group, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>