

Special Rapporteur on violence against women, its causes and consequences E/CN.4/2006/61/Add.3 para 73 (a)

Full Recommendation:

In order to enhance women's access to justice through a transparent legal and judiciary reform it is recommended that the Government: Prevent early and forced marriages.

Assessment using Impact Iran human rights indicators¹

Child marriage continues to be permitted under Iranian law. The legal minimum age for marriage is 13 for girls and 15 for boys.² However, children who have reached puberty can marry with parental consent and court approval.³ 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.⁴ Marriage before puberty is criminalised under Article 50 of the Family Protection Act⁵, while Article 646 of the Islamic Penal Code (2013) provides the punishment for such a crime.⁶

In 2018, a proposed amendment to Article 1041 of the Civil Code, that sought to raise the age of marriage for girls from 13 to 16 while allowing them to get married at a younger age with legal and medical approval, was rejected by the Parliament's Committee for Judicial and Legal Affairs.⁷ In February 2019, the chair of the Committee stated that a "new plan" was to be introduced for the Parliament's approval and that of the Guardian Council.⁸

During its last Universal Periodic Review (November 2019), the Government of the Islamic Republic of Iran stated that the Act on Protection, Dignity and Security of Women against Violence was "aimed at criminalising new forms of assault, harassment and violations of the rights of women and adopting preventive and support measures to stop violence against women."⁹ Reportedly, the bill also included the prohibition of forced and early marriage for girls under the age of 18.¹⁰ In January 2020, the U.N. Secretary General expressed concerns about the slow

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; 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; 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

² 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

³ Iran Human Rights Documentation Center, https://iranhrdc.org/wp-content/uploads/pdf_en/LegalCom/Womens_Rights_Commentary_389929723.pdf

⁴ 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>

⁵ Universal Periodic Review, Iran, 2019, <https://undocs.org/A/HRC/43/12>

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

⁷ Amnesty International, UPR submission 2019,

<https://www.amnesty.org/download/Documents/MDE1305732019ENGLISH.PDF>

⁸ Information from Impact Iran; see www.tasnimnews.com/fa/news/1397/11/17/1941311/

⁹ Universal Periodic Review, Iran, 2019, <https://undocs.org/A/HRC/43/12>

¹⁰ Ceasefire Centre for Civilian Rights, Centre for Supporters of Human Rights and Minority Rights Group International September 2019, <https://www.justice.gov/eoir/page/file/1203136/download> ; Iran Newspaper, 'Hamsari ke zendegi nemikonad

progress of the bill, which has been under review since 2010¹¹ and as of February 2021, was still under the review of the Iranian Parliament.¹² The draft bill will then need to be vetted by the Guardian Council. The Secretary General also noted that “critical articles were reportedly removed from the initial proposal of the Executive, including provisions protecting women from various forms of violence and criminalising domestic violence.”¹³ ¹⁴ As of early February 2021, the available draft of the law¹⁵ suggested that the text may be insufficient to protect women in Iran from discrimination and violence. Although the draft law may bring positive developments, it will remain limited by the Civil Code¹⁶, the Family Law¹⁷, and the Islamic Penal Code¹⁸, which contain provisions that effectively discriminate against women and fail to adequately protect them from violence, including early marriage.¹⁹

During its 2019 Universal Periodic Review, the Government of the Islamic Republic of Iran also noted that bills that had already been drafted and were going through the adoption process dealt with the prohibition of early marriage, although they did not specify the age limitation. The Government additionally mentioned that it was raising awareness on the issue of child marriage in local communities.²⁰

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 involving girls under the age of 11. ²¹ ²² However, the number is likely to be higher as many child marriages are unregistered.²³ 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.”²⁴

amma mamnou’ol khorouj mikonad [A spouse who doesn’t live but bans me from leaving the country],’ 4 October 2015, <http://www.ion.ir/News/16777.html>

¹¹ Ceasefire Centre for Civilian Rights, Centre for Supporters of Human Rights and Minority Rights Group International September 2019, <https://www.justice.gov/coir/page/file/1203136/download>

¹² New York Times, <https://www.nytimes.com/2021/01/05/world/middleeast/iran-sexual-violence-metoo-women.html>

¹³ Report of the Secretary General, Situation of human rights in the Islamic Republic of Iran, 2020,

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

¹⁴ See Radio Farda <https://en.radiofarda.com/a/new-watered-down-draft-law-on-violence-against-women-iniran/30173089.html> ; and ISNA www.isna.ir/news/98071612729/ (in Farsi).

¹⁵ <https://shenasname.ir/laws/7023>

¹⁶ The Civil Code: < <https://shenasname.ir/laws/6664> >

¹⁷ The Family Law: < <https://shenasname.ir/subjects/family/1470> >

¹⁸ The Islamic Penal Code: <<https://shenasname.ir/subjects/salamat/1571-mojazat92> >

¹⁹ This information is up-to-date and accurate as of early February 2021. For more up to date information on the passage of this bill, please click the following link: <http://www.impactiran.org/vawbill>

²⁰ Universal Periodic Review, Iran, 2019, <https://undocs.org/A/HRC/43/12>

²¹ 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

²² See www.sabteahval.ir/avej/tab-1499.aspx (in Farsi)

²³ 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

²⁴ Ibid.

The Iranian Government established a National Body for the Convention of the Rights of the Child (NBCRC), which has the responsibility “to set up plans and programs to promote the rights of the child and the respect of their character” and to monitor and assess the implementation of the rights of children in the Islamic Republic of Iran.²⁵ The body is headed by the Minister of Justice, who appoints most of its members and officers, and includes three NGO representatives among its 23 members.²⁶ During the country’s 2016 CRC review, the National Body listed its main achievements, notably the holding of “specialised meetings on the role of religious leaders in preventing violence against children”, including early and forced marriage.²⁷ The National Body also listed the achievements of its working groups, notably its Legal and Judiciary working group, which conducted “analyses of the ways to end early marriage”, and its Support and Coordination working group which carried out an “analysis of the different dimensions of supporting children who are deprived of education and are victims of early marriage”.²⁸ There is no readily available information that might indicate whether these achievements have been impactful.

In its national report to the Universal Periodic Review in 2019, the Islamic Republic of Iran stated that it carried out “human rights training for judges, judicial officers and administrative staff on the rights of the child”.²⁹ However, there is no readily available information on the content of such trainings and whether they contained sessions on the harmful effects of early marriage on the physical and mental health and well-being of girls.

Despite various bills currently being reviewed which seek to prohibit early marriage in the Islamic Republic of Iran, 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.”³⁰ Despite the work of the NBCRC, awareness-raising efforts in local communities and the trainings received by judges, judicial officers and administrative staff, early marriage remains a widespread practice in the country,^{31 32 33} suggesting that governmental efforts are inadequate and/or insufficient.

²⁵ Article 2 National Body for the Convention on the Rights of the Child Bylaws

²⁶ Justice for Iran, submission to the CRC, 2015,

https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/IRN/INT_CRC_NGO_IRN_19746_E.pdf

²⁷ The Supplementary Response of the (NBCRC) regarding the Concluding Observation on the Combined third and fourth periodic reports of the Committee on the Rights of the Child for the Islamic Republic of Iran, 2016,

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCRC%2fCOB%2fIRN%2f23480&Lang=en

²⁸ Ibid.

²⁹ National report, Islamic Republic of Iran, UPR 2019, <https://undocs.org/A/HRC/WG.6/34/IRN/1>

³⁰ CRC/C/IRN/CO/3-4, para. 27-28 <https://undocs.org/en/CRC/C/IRN/CO/3-4>

³¹ 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

³² See www.sabteahval.ir/avej/tab-1499.aspx (in Farsi)

³³ See Human Rights Activists News Agency: <https://www.en-hrana.org/?s=child+marriage>

The Government has not prevented early and forced marriages in the Islamic Republic of Iran.

Recommendation Status:

This recommendation has **NOT** been implemented.