

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

Full recommendation:

In order to enhance women's access to justice through a transparent legal and judiciary reform it is recommended that the Government: (c) Raise the age of majority for girls and boys to 18 in conformity with the Convention on the Rights of the Child;

Assessment using Impact Iran human rights indicators¹

The Convention on the Rights of the Child understands the age of majority to be 18.

Article 20 of the Constitution of the Islamic Republic of Iran 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 emphasises that “the government must ensure the rights of women in all respects, in conformity with Islamic criteria”.² While these provisions supposedly safeguard the human rights of women and protect them from discrimination, such legal guarantees exist only as long as they are in conformity with the “Islamic criteria.” The room for interpretation permitted to understand what is considered to be “in conformity with Islamic 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. One of the most telling examples is the age of criminal responsibility, which is set at nine lunar years for girls (the Gregorian equivalent of eight years, nine months) and fifteen lunar years for boys (the Gregorian equivalent of fourteen years, seven months).³ The Islamic Republic of Iran has not increased the age of criminal responsibility for girls, nor does it appear that such changes have been considered by the Government.

Other provisions under the Iranian criminal justice system discriminate between girls and boys. To name a few, a girl over the age of nine or a woman's testimony is valued at half that of a man's⁴, or in some proceedings it is not even considered.⁵ Another instance is that the Islamic

¹ CCPR.2.1.S.1; CCPR.2.1.P.1; CCPR.2.1.P.2

² Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

³ 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/>

⁴ Islamic Penal Code, 2013, Articles 74, 75 199, English Translation, Iran Human Rights Documentation Center, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-one-book-two/>

⁵ Islamic Penal Code, 2013, Article 119, English translation, Iran Human Rights Documentation Center, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-one-book-two/>

Penal Code (2013) penalises 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

However, the Iranian legal framework is not clear as to the age of majority. While criminal responsibility is set at 9 lunar years for girls and 15 lunar years for boys, the Civil Code⁷ stipulates that the legal age of marriage for girls is 13, although marriages at a younger age are allowed, granted that the legal guardian and the court's approval have been obtained. The minimum age to be able to open a bank account⁸ or get a driver's license⁹ is set at 18.

There are a number of mechanisms which Iranian citizens can use to report violations of their rights in the Islamic Republic of Iran, including the Parliament's Article 90 Commission¹⁰ or the Oversight Bodies for the exercise of Citizenship Rights in the country's provincial courts.¹¹

However, and as aforementioned, gender discrimination is inherent in the criminal justice system in the Islamic Republic of Iran. Consequently, there is little opportunity for one's complaint in that matter to be adequately addressed and properly adjudicated in compliance with international standards. There is no independent National Human Rights Institution competent to receive complaints from children, including girls, in the Islamic Republic of Iran. With regards to illegal acts of violence against women under Iranian law, there is no readily available information that might suggest that complaints are adequately addressed, investigated and adjudicated.

Recommendation Status:

This recommendation has **NOT** been implemented.

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 <http://www.davoudabadi.ir/article/1234/>

⁸ <http://banki.ir/akhbar/1-news/1962-hesab>

⁹ <https://www.tabnak.ir/fa/news/746472/>

¹⁰ The Article 90 Commission was established to receive the citizens' complaints against government institutions and has the responsibility to review them and transmit cases for judicial procedure accordingly.

¹¹ These committees have the responsibility to oversee the strict implementation of the "Law on Respect for Legitimate Freedoms and Civil Rights"