

Concluding Observations Committee on Economic Social and Cultural Rights E/C.12/IRN/CO/2 para 18

Full recommendation

The Committee calls on the State party to raise the minimum age of marriage to 18 years for both boys and girls, and to ensure that marriage can be entered into only with the free consent of the intending spouses.

Assessment using Impact Iran human rights indicators¹

A. The State party should raise the minimum age of marriage to 18 years for both boys and girls

Child marriage continues to be permitted under Iranian law. The legal minimum age for marriage is 13 years old for girls and 15 years old 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 criminalized in accordance with Article 50 of the Family Protection Act⁵ and is punished under Article 646 of the Islamic Penal Code (2013).⁶

In 2018, a proposed amendment to Article 1041 of the Civil Code that would raise the age of marriage for girls from 13 to 16, while allowing earlier marriage 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" would be introduced for parliament's approval and 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, will be "aimed at criminalizing 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 would also include the prohibition of forced and early marriage

¹ ESCR.3.S.1; ESCR.2.2.P.1; ESCR.2.2.P.2; 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>

for girls under 18.¹⁰ In January 2020, the U.N. Secretary General expressed concerns about the slow progress of the bill, which has been under review since 2010¹¹ and as of February 2021 is 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 criminalizing domestic violence.”¹³ ¹⁴ As of early February 2021, the available draft of the law¹⁵ suggests that the text may be insufficient to protect women in Iran from discriminations and violence. Even though 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 effectively discriminating against women and fail to protect them adequately from violence, including early and forced marriage.¹⁹

The Government of the Islamic Republic of Iran also noted during its 2019 Universal Period Review that bills already drafted and currently going through the adoption process dealt with the prohibition of early marriage, although without specifying the age limitation. The Government added that it was raising awareness on the issue of child marriage in local communities.²⁰

Between March 2018 and March 2019, the National Organization for Civil Registration reported over 30,000 marriages involving girls between the age 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

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 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/eoir/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

minimum age of marriage regardless of the cultural context would increase unregistered marriages.”²⁴

Despite bills being currently reviewed which would potentially 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 and translate reportedly in widespread practice.^{25 26 27} 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.”²⁸

B. The State party should ensure that marriage can be entered into only with the free consent of the intending spouses

During its 2019 Universal Periodic Review, the Islamic Republic of Iran noted that forced marriage had been prohibited under Article 1062 of the Civil Code and Article 646 of the Islamic Penal Code.²⁹ However, with the permission of the court, the legal guardian has the right to marry for and on behalf of his minor daughter in compulsory marriage.³⁰ Additionally, virgin girls above the age of 13 who are marrying for the first time, regardless of age, legally need a father’s or paternal grandfather’s permission.³¹ The Government of the Islamic Republic of Iran stated that when a case of forced marriage is reported to the Judiciary and a judicial case is filed, the forced marriage can be dissolved in accordance with the Civil Code provisions and those who force someone into marriage are prosecuted.³² However, underaged children lack access to redress and legal recourse as they cannot file law suits without the representation of their legal guardian.³³ Further, a woman can be given permission to leave the marital house only if she can prove to a court a significant risk of bodily harm or threat to her life and safety.³⁴ Such provision deprives women and girls from legal and social

²⁴ 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

²⁵ 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

²⁶ See www.sabteahval.ir/avej/tab-1499.aspx (in Farsi)

²⁷ See Human Rights Activists News Agency : <https://www.en-hrana.org/?s=child+marriage>

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

²⁹ Universal Periodic Review, 2019, Reply of the Islamic Republic of Iran, <https://undocs.org/en/A/HRC/43/12/Add.1>

³⁰ Iran Human Rights Documentation Center, https://iranhrdc.org/wp-content/uploads/pdf_en/LegalCom/Womens_Rights_Commentary_389929723.pdf

³¹ NGO Submission Committee on the Rights of the Child, 2016, https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/IRN/INT_CRC_NGO_IRN_19809_E.pdf

³² Universal Periodic Review, 2019, Reply of the Islamic Republic of Iran, <https://undocs.org/en/A/HRC/43/12/Add.1>

³³ Suuntaus Project, Finnish Immigration Service- Country Information Service, ‘Violence against women and honour-related violence in Iran’, 26 June 2015, http://www.migri.fi/download/61597_Suuntaus-raportti_VakivaltaIran_finalFINAL_kaannosversio_EN.pdf?96fa691925bfd288

³⁴ Amnesty International, 2015, <https://www.amnesty.org/download/Documents/MDE1311112015ENGLISH.pdf>

protection when they run away from a forced marriage and girls have been reportedly brought back to their parents.³⁵

The Iranian Government established a National Body for the Convention of the Rights of the Child, which has the responsibility “to set up plans and programs to promote the child rights and respect to their character” and to monitor and assess the implementation of child rights in the Islamic Republic of Iran.³⁶ The body is headed by the Minister of Justice, who appoints most of its members and officers, and includes 3 NGO representatives among its 23 members.³⁷ During the country’s 2016 CRC review, The National Body listed its main achievements, notably the organization of “specialized meetings on the role of religious leaders in preventing violence against children”, including early and forced marriage.³⁸ The National Body also listed the achievements of its working groups, notably its Legal and Judiciary working group, which did “analyses of the ways to end early marriage”, and its Support and Coordination working group which did “analysis of different dimensions of supporting children who are deprived from education and are victims of early marriage”.³⁹ There is no readily available information that might indicate whether these achievements have been impactful.

In 2016, the Committee on the Rights of the Child recommended the Islamic Republic of Iran to “expeditiously establish” a specific mechanism for monitoring children’s rights that was able to receive, investigate and address complaints by children in a child-sensitive manner,⁴⁰ which could include complaints of early and forced marriage. As of today, there is no readily available official information that might indicate the creation of such mechanism.

The current legal framework of the Islamic Republic of Iran, added to the absence of a mechanism to investigate and address complaints of forced marriage, cannot guarantee that marriage can be entered into only with the free consent of the intending spouses.

Recommendation Status:

This recommendation has **NOT** been implemented.

³⁵ Suuntaus Project, Finnish Immigration Service- Country Information Service, ‘Violence against women and honour-related violence in Iran’, 26 June 2015, http://www.migri.fi/download/61597_Suuntaus-raportti_VakivaltaIran_finalFINAL_kaannosversio_EN.pdf?96fa691925bfd288

³⁶ Article 2 National Body for the Convention on the Rights of the Child Bylaws

³⁷ Justice for Iran, submission to the CRC, 2015,

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

³⁸ 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

³⁹ 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

⁴⁰ CRC/C/IRN/CO/3-4, para. 22 <https://undocs.org/en/CRC/C/IRN/CO/3-4>