

**Special Rapporteur on the situation of human rights in the Islamic Republic of Iran A/67/369
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Full recommendation

The Special Rapporteur also continues to underline the importance of perpetuating a culture of tolerance, and urges the Government to prevent discrimination against women and girls, as well as religious and ethnic minorities, in all spheres of public life and services, and to protect their freedoms to freely associate and express themselves. He further calls on the Government to ensure that the minimum age for marriage complies with international standards and that measures to prevent the forced, early and temporary marriage of girls are established.

Assessment using Impact Iran human rights indicators¹

A. The Special Rapporteur urges the Government of the Islamic Republic of Iran to prevent discrimination against women and girls, as well as religious and ethnic minorities, in all spheres of public life and services

Article 19 of the Constitution guarantees that all people enjoy equal rights, “whatever the ethnic group or tribe to which they belong” and that “color, race, language, and the like, do not bestow any privilege”. However, the Constitution omits an explicit provision recognizing religion or belief as a protected characteristic. Article 20 of the Constitution states that “All citizens 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”. There is no clear definition of what constitutes “Islamic criteria”. Additionally, Article 23 of the Constitution stipulates that “the investigation of individuals’ beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief”.²

Despite these legal safeguards, the rights of ethnic and religious minorities are not fully protected under Iranian law. Notably, representation and participation in public affairs by members of ethnic nationalities or religious minorities is limited. For instance, the Iranian Constitution places religious requirements on certain high-ranking positions. The President, the Supreme Leaders, members of the Guardian Council, of the Assembly of Experts and of the Expediency Council

¹ CCPR.19.1.S.1; CCPR.19.2.S.1; CCPR.19.2.S.2; CCPR.3.1.S.1; CCPR.3.1.S.4; CCPR.16.1.S.1; CCPR.23.2.S.1; CCPR.23.4.S.1; CCPR.23.3.S.1; CCPR.25.1.S.3
CCPR.19.2.P.1; CCPR.19.2.P.2; CCPR.19.2.P.3; CCPR.3.1.P.3; CCPR.16.1.P.1; CCPR.23.2.P.1; CCPR.2.3.P.1; CCPR.23.3.P.1; ESCR.2.2.P.3; CCPR.25.1.P.1
CCPR.19.1.O.1; CCPR.19.2.O.1; CCPR.19.2.O.2; CCPR.19.2.O.5; CCPR.3.1.O.4; CCPR.23.3.O.1; CRC.8.1.O.2; CCPR.25.1.O.1; CCPR.25.1.O.2

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

must all adhere to Shia Islam.³ These constitutional rules exclude persons belonging to religious minorities such as Sunnis, Jews, Christians, Zoroastrians, Yarsan or Baha'is from these key positions. It also indirectly excludes most Kurds, Turkmen and Baloch who are Sunni in majority. None of the provinces that are populated in majority by minority groups, like Kurdistan, Sistan-and-Balochistan, Golestan, East and West Azerbaijan, is run by a person belonging to that minority.⁴

Positive developments have been slow and limited in scope, like the appointment by the government of three Sunni county governors belonging to the Turkmen, the Baloch and the Kurd minorities in 2017 and 2018. There are 324 counties in Iran, and therefore less than 1% are currently headed by a person belonging to an ethnic minority. While President Rouhani created a new post of Special Assistant to the President for Ethnic and Religious Minorities' Affairs after his election in 2013, the person appointed to this position does not belong to any ethnic or religious minority himself.⁵

In municipal executives as well, minorities remain largely under-represented. In September 2017, protests erupted in Ahvaz after the results of municipal elections showed that only three out of 13 seats on the municipal council had been won by Arab candidates, which many suspected was the result of fraud. The Baluchi, Kurdish and Turkmen minorities are also underrepresented in high- and medium-ranking political posts according to Minority Rights Group International.⁶

Additionally, Members of minorities face serious hurdles in accessing public sector employment due to the *gozinesh* process.⁷ Such process bars *de facto* minorities or anyone who are unable or unwilling to accept religious requirements (notably adhering to Islam) from seeking employment in the public sector.^{8 9 10}

³ The Constitution of the Islamic Republic of Iran, Articles 5, 91, 109, 111 and 115. <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

⁴ Joint submission to the Human Rights Committee, Abdorrahman Center, Iran Human Rights Documentation Center (IHRDC), Impact Iran and Human Rights Activists in Iran, 2020, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCS%2fIRN%2f42313&Lang=en

⁵ Joint submission to the Human Rights Committee, Abdorrahman Center, Iran Human Rights Documentation Center (IHRDC), Impact Iran and Human Rights Activists in Iran, 2020, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCS%2fIRN%2f42313&Lang=en

⁶ Minority Rights Group International, Ceasefire Centre for Civilian Rights, Centre for Supporters of Human Rights, Rights Denied: Violations against ethnic and religious minorities in Iran, March 2018, p.28, accessible at: <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

⁷ See <http://rc.majlis.ir/fa/law/show/92541> (in Persian).

⁸ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 18 July 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/222/62/PDF/N1922262.pdf?OpenElement>

⁹ Center for Human Rights in Iran, <https://www.iranhumanrights.org/2017/05/most-yarsani-religious-minority-candidates-disqualified-from-irans-2017-councils-elections/>

¹⁰ Baha'i International Community, Submission to the Universal Periodic Review of Iran, 2019, <https://undocs.org/A/HRC/WG.6/34/IRN/3>

Similarly, women in Iran have a limited presence in decision-making bodies in the country. Women are completely prohibited from holding the position of Supreme Leader. Candidates for the presidency in Iran must be what the constitution refers to as *Rajol-E- Siasi* (“political men”).¹¹ Though many argue that the phrase as a whole could be understood as “political persons,” without a specification as to gender, the Guardian Council of the Constitution, a body of Islamic jurists responsible for vetting candidates for elections, has never approved a woman to stand in presidential elections or elections to the Assembly of Experts.¹² Additionally, no woman has ever served on the Guardian Council (body mandated to bring parliamentary resolutions in line with Shari’a and the Constitution and to oversee elections and vet candidates),¹³ nor on the Expediency Council (body which serves as the Supreme Leader’s advisory arm, formulating “general policies for the state” and overseeing the implementation of those policies on the behalf of the Supreme Leader).¹⁴

There are no legal limits laws on the ability of women to vote or become a candidate for parliament or the City and Village Councils. However, the Guardian Council is known to arbitrarily disqualify women candidates from running for election. For example, in the run-up to the 2020 elections, the Guardian Council disqualified 60 percent of female candidates.

Complaints related to election process or candidate vetting, election law designates the Guardian Council as the arbitrator, which itself is the body responsible for the impugned decisions. There are currently no female ministers in the government’s cabinet. No provincial governors are women. The government recently appointed three women as “county governor” out of 430 positions across the country.¹⁵ The administration appointed women to 13 out of 1,058 district governors, mostly in small provinces across the country. Women currently occupy only 5.8 percent (16 out of 290) of parliamentary seats in the new parliament elected in February 2020.¹⁶

The Islamic Republic of Iran has not prevented discrimination against women and girls as well as religious and ethnic minority in all spheres of public life and services.^{17 18 19}

¹¹ Art 115, Constitution of Iran.

¹² The council that should choose the Supreme Leader and its mandate is to monitor him.

¹³ In addition, the Guardian Council is responsible for overseeing elections and vetting candidates.

¹⁴ The body, whose members are all appointed by the Supreme Leader, was initially established as an arbitration body between parliament and the Guardian Council.

¹⁵ Executive rankings at the provincial level: 1) Governor, 2) County Governor, 3) District Governor, 4) Village President.

¹⁶ See more: All Human Rights for All in Iran, Association for Human Rights in Kurdistan – Geneva (KMMK-G) Association for the Human Rights Of The Azerbaijani People In Iran (AHRAZ), Iran Human Rights Documentation Center (IHRDC), OutRight International, Siamak Pourzand Foundation, Small Media, Impact Iran, Submission to the Human Rights Committee, 129th session, 2020, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf

¹⁷ See more: All Human Rights for All in Iran, Association for Human Rights in Kurdistan – Geneva (KMMK-G) Association for the Human Rights Of The Azerbaijani People In Iran (AHRAZ), Iran Human Rights Documentation Center (IHRDC), OutRight International, Siamak Pourzand Foundation, Small Media, Impact Iran, Submission to the Human Rights Committee, 129th session, 2020, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf

¹⁸ See more: Minority Rights Group, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

¹⁹ See more: Minority Rights Group, <https://minorityrights.org/publications/beyond-the-veil-discrimination-against-women-in-iran-english-and-persian/>

B. The Special Rapporteur urges the Government of the Islamic Republic of Iran to protect the freedoms of women and girls, as well as religious and ethnic minorities, to freely associate and express themselves

Although the Iranian Constitution recognizes the right to freedom of thought, expression association and assembly and prohibits censorship of the press, these rights are restricted under Iranian legislation.

While Article 27 of the Constitution ostensibly protects the right to freedom of peaceful assembly, the guarantee falls short of international standards set out in the International Covenant on Civil and Political Rights (ICCPR) by requiring that participants are not “in violation of the fundamental principles of Islam”. There is no clear definition or criteria that define what can be considered “fundamental principles of Islam”. Under Article 2 of the Law on Political Crimes, adopted in 2016, participation in an unauthorized assembly, even if it is peaceful, can effectively be considered a political offence.²⁰ Unauthorized assemblies had previously been prohibited under the 1981 Law on the Activities of Parties, Populations and Political and Trade Unions and Islamic Associations or Recognized Religious Minorities.²¹ Those participating in peaceful unauthorized assemblies are often charged and sentenced to prison terms under Article 610 of the Islamic Penal Code.²²

The right to freedom of expression, recognized under Article 24 of the Constitution, is similarly undermined by vague qualifications, such as being “deemed harmful to the principles of Islam or the rights of the public”. Article 40 further allows for restrictions of rights, including peaceful assembly, if the exercise is deemed “injurious to others” or “detrimental to public interests”. Similar provisions restrict the right to freedom of expression online through the criminalization of vaguely worded offences such as the “dissemination of lies” and what is deemed to offend “public morality and chastity”.²³

Similarly, the right to information is over broadly restricted in the Islamic Republic of Iran. The 1986 Press Law, amended in 2000, provides content-based restrictions on traditional and online media. Reports may only be published in pursuit of one of the five “legitimate objectives” including “to campaign against manifestations of imperialistic culture” or “to propagate and promote genuine Islamic culture and sound ethical principles.” The law prohibits publishing

²⁰ The 2016 Law on Political Crimes, available at: <https://rc.majlis.ir/fa/law/show/968421>

²¹ The 1981 Law on the Activities of Parties, Populations and Political and Trade Unions and Islamic Associations or Recognised Religious

Minorities, available at: <https://rc.majlis.ir/fa/law/show/90226>

²² The new Islamic Penal Code was introduced in 2013 for an experimental period of five years and was revised in 2016. See the most updated

version of the Islamic Penal Code here on the website of the Iranian parliament: http://rc.majlis.ir/fa/law/print_version/845048

²³ “Islamic Republic of Iran: Computer Crimes Law,” ARTICLE19, 2012. <https://bit.ly/1RecP6R>

content on matters, among others, relating to atheism, against the national security, dignity of interests of the State, insulting Islam or offending religious officials.²⁴

The revised version of the Islamic Penal Code,²⁵ adopted in 2013, maintains numerous provisions which criminalize the exercise of the right to freedom of expression, association and peaceful assembly, in contravention of international human rights law and standards. For example, under the Penal Code, the establishment or leadership of a group that “aims to perturb the security of the country” is criminalized,²⁶ as well as a variety of acts considered as propaganda²⁷ or conspiracy against the state (which has been interpreted to include peaceful protests).²⁸ Encouragement to “violate public morals”²⁹ as well as satire are also penalized.³⁰ Similar vaguely worded provisions punish acts such as swearing at³¹ or insulting³² “the Great Prophet of Islam” as well as “sowing corruption on earth”³³ with the death penalty.

These restrictions fail to meet international standards that require limitations to be necessary and proportionate, and in pursuit of one of a limited number of narrowly-drawn legitimate aims, per Article 19 of the ICCPR. The restrictions grant authorities’ significant discretion to impose overbroad and vague limitations on individuals’ rights, in violation of the country’s international human rights obligations.

Iranian authorities frequently resort to these provisions to intimidate, arrest and prosecute individuals who peacefully exercise their rights to freedom of expression, association and assembly.^{34 35 36 37 38 39 40} Further, the authorities have continued to respond to protests with excessive and unlawful force.^{41 42}

²⁴ See more: Article 19, <https://www.article19.org/data/files/medialibrary/2921/12-01-30-FINAL-iran-WEB%5B4%5D.pdf>

²⁵ The Islamic Penal Code available at: http://rc.majlis.ir/fa/law/print_version/845048

²⁶ Article 498 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

²⁷ Article 500 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

²⁸ Article 610 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

²⁹ Article 639 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

³⁰ Article 700 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

³¹ Article 262 Islamic Penal Code 2013, <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

³² Article 513 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

³³ Article 286 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

³⁴ See more: Abdorrahman Boroumand Center, <https://www.iranrights.org/projects/timeline>

³⁵ See more : ARTICLE 19, Small Media, Human Rights Activists in Iran, Impact Iran, Human Rights Committee, 129th session (Geneva) 29 June – 24 July 2020,

https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_ICJ_IRN_42315_E.pdf

³⁶ See more: Iran Human Rights, <https://www.iranhr.net/en/reports/23/>

³⁷ See more: Iran Human Rights Documentation Center, <https://iranhrdc.org/controlled-and-pursued-labor-activism-in-contemporary-iran/>

³⁸ See more: Ensemble Contre la Peine de Mort, <https://www.ecpm.org/wp-content/uploads/Rapport-iran-2020-gb-070420-WEB.pdf>

³⁹ See more: United for Iran, database of Iran’s prisons and political prisoners available at <https://ipa.united4iran.org/en/>

⁴⁰ See more: EN-Human Rights Activists News Agency, <https://www.en-hrana.org/?s=activists>

⁴¹ “Iran: protect constitutional right to protest”, ARTICLE 19, 3 January 2018. <https://tinyurl.com/ycodj649>

⁴² Amnesty International, <https://www.amnesty.org/en/documents/mde13/2891/2020/en/>

NGOs have reported a pattern of violations of the rights to freedom of expression, assembly and association disproportionately targeting members of minority or marginalized groups.^{43 44 45 46} Women, notably human rights defenders campaigning against compulsory veiling, have been targeted with arbitrary arrests, detention and imprisonment.^{47 48} In 2018, prison data shows that at least three quarters of Iran's political prisoners were from ethnic minorities.⁴⁹ Ethnic minorities, especially Kurds and Balochis, are over-represented in death penalty statistics. Many of the offenses carrying the death penalty, in particular national security offenses, are among the charges most commonly used to target and convict minorities. Kurdish political prisoners charged with national security offences represent almost half of the total number of political prisoners. Overall, half of those executed for affiliation with a political party or a banned group between 2010 and 2018 were Kurds, while a quarter were Balochis and over one-tenth Arabs. Executions targeting members of ethnic minorities continue, notably against Kurdish dissidents.⁵⁰ Between mid-December 2020 and early February 2021, at least 21 Balochi prisoners have been executed in Iran.⁵¹ There have also been serious concerns over the secret executions of Ahwazi Arab prisoners in 2018, as Ahwazi Arab activists have reported that 22 men were executed in secret in 2018.⁵²

Iranian authorities also engage in extensive censorship practices, mass surveillance, and repression of free speech and dissent online. For instance, the Criminal Cyber Law criminalizes the publication of information considered against Islamic tenets or the Constitution's, to be

⁴³ See more: Association for the human rights of the Azerbaijani people in Iran, <http://www.ahraz.org/association-for-the-human-rights-of-the-azerbaijani-people-in-iran-ahraz-repot-regarding-the-current-situation-of-the-azerbaijani-arrestees-that-are-arrested-during-the-recent-protests-nove/>

⁴⁴ See more: Kurdistan Human Rights Geneva, <https://kmmk-ge.org/sd/annual-report-2020/>

⁴⁵ "Alirezsa Farshi has been released from Evin," HRNA News Agency. 11 April 2020. <https://www.hra-news.org/2020/hranews/a-24375/>

⁴⁶ "Iran arrests 29 linked to protests against compulsory hijab laws", New York Times, 2 February 2018. <https://tinyurl.com/ybmdozuy>

⁴⁷ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, January 2020, https://www.ohchr.org/Documents/Countries/IR/Report_of_the_Special_Rapporteur_on_the_situation_of_human_rights_in_the_Islamic_Republic_of_IranA4361.pdf

⁴⁸ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, January 2021, <https://undocs.org/A/HRC/46/50>

⁴⁹ Minority Groups, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

⁵⁰ Amnesty International, <https://www.amnesty.org/en/latest/news/2020/07/iran-two-kurds-executed-amid-increasing-use-of-death-penalty-as-weapon-of-repression/>

⁵¹ OHCHR News, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26716&LangID=E>

⁵² Amnesty International, <https://www.amnesty.org/en/latest/news/2018/11/iran-fears-mounting-for-detained-ahwazi-arabs-amid-reports-of-secret-executions/>

disrupting public or national security or to amount to propaganda against the State.⁵³ ⁵⁴ The Cyber Criminal Code Committee⁵⁵ decides on which websites shall be filtered or shutdown altogether,⁵⁶ reportedly targeting websites maintained by members of vulnerable and marginalized communities or discussing issues relating to these communities.⁵⁷ In 2018, Iran's Cyber Police announced that since its foundation in 2010, it had arrested 74,917 people because of their online activities.⁵⁸ This number includes many individuals such as bloggers and other social media personalities. Iranian authorities regularly block or restrict access to websites and social media platforms.⁵⁹ The Government blocked the messaging application Telegram in 2018, an important mean of communication of information in Iran,⁶⁰ and a number of its administrators have been arrested and charged with encouraging protests, "disturbing public opinion" and/or "promoting homosexuality".⁶¹

Despite the existence of several mechanisms that ostensibly accept complaints regarding violations of citizens' rights, such as the Article 90 Commission of the parliament (established based on Article 90 of the Constitution, offering a mechanism to citizens to file complaint against any of the three branches of power) and the Oversight Bodies for the exercise of Citizenship Rights in the country's provincial courts, there is no evidence to suggest that complaints to these bodies are independently reviewed and investigated.⁶² Additionally, as the aforementioned restrictions on otherwise protected activities under international law are enshrined into Iranian law, opportunities to seek justice are particularly limited.

⁵³ See more: Article 19, <https://www.article19.org/data/files/medialibrary/2921/12-01-30-FINAL-iran-WEB%5B4%5D.pdf>

⁵⁴ See also: Volunteer Activists, <https://volunteeractivists.nl/en/wp-content/uploads/2018/10/Civil-Society-in-Iran-and-its-Future-Prospects-pdf.pdf>

⁵⁵ "The Cyber Criminal Code Committee consists of the following Ministers: Education, Communication and Digital Information, Judiciary, Intelligence, Culture and Islamic Guidance, Science and Research, as well as Islamic Propaganda Organization, the head of IRIB (Iran's Broadcasting Company), the Police Force Chief, a representative of Parliament (delegated by the legal and judiciary committees of Parliament) and an expert on digital and internet sciences (also delegated by Parliament)." See more: <https://volunteeractivists.nl/en/wp-content/uploads/2018/10/Civil-Society-in-Iran-and-its-Future-Prospects-pdf.pdf>

⁵⁶ The Committee has a list of filtered online items on the Iran's Cyber Police's website,

⁵⁷ Small Media, Digital Rights in Iran, UPR Submission, Session 34 :

<<https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=6980&file=EnglishTranslation> >

⁵⁸ Small Media, Digital Rights in Iran, UPR Submission, Session 34 :

<<https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=6980&file=EnglishTranslation> >

⁵⁹ Small Media, Digital Rights in Iran, UPR Submission, Session 34 :

<<https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=6980&file=EnglishTranslation> >

⁶⁰ Human Rights Watch, <https://www.hrw.org/news/2018/05/02/iran-assault-access-information>

⁶¹ Small Media, Digital Rights in Iran, UPR Submission, Session 34 :

<<https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=6980&file=EnglishTranslation> >

⁶² Joint submission to the Human Rights Committee, Abdorrahman Center, Iran Human Rights Documentation Center (IHRDC), Impact Iran and Human Rights Activists in Iran, 2020, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fICS%2fIRN%2f42313&Lang=en

In light of the above the Government of the Islamic Republic of Iran has not protected the freedoms of women and girls, as well as religious and ethnic minorities, to freely associate and express themselves.

C. The Special Rapporteur calls on the Government to ensure that the minimum age for marriage complies with international standards and that measures to prevent the forced, early and temporary marriage of girls are established

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.⁶³ However, children who have reached puberty can marry with parental consent and court approval.⁶⁴ 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.⁶⁵ Marriage before puberty is criminalized in accordance with Article 50 of the Family Protection Act⁶⁶ and is punished under Article 646 of the Islamic Penal Code (2013).⁶⁷

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.⁶⁸ In February 2019, the chair of the Committee stated that a "new plan" would be introduced for parliament's approval and the Guardian Council.⁶⁹ 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."⁷⁰ Reportedly, the bill would also include the prohibition of forced and early marriage for girls under 18.⁷¹ However the bill has been under review since 2010⁷² and as of January 2021 is under review of Iran's Parliament.⁷³ In January 2020, the U.N. Secretary General

⁶³ 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

⁶⁴ Iran Human Rights Documentation Center, https://iranhrdc.org/wp-content/uploads/pdf_en/LegalCom/Womens_Rights_Commentary_389929723.pdf

⁶⁵ 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>

⁶⁶ Universal Periodic Review, Iran, 2019, <https://undocs.org/A/HRC/43/12>

⁶⁷ 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/>

⁶⁸ Amnesty International, UPR submission 2019, <https://www.amnesty.org/download/Documents/MDE1305732019ENGLISH.PDF>

⁶⁹ Information from Impact Iran; see www.tasnimnews.com/fa/news/1397/11/17/1941311/

⁷⁰ Universal Periodic Review, Iran, 2019, <https://undocs.org/A/HRC/43/12>

⁷¹ 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>

⁷² 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>

⁷³ The New York Times, <https://www.nytimes.com/2021/01/05/world/middleeast/iran-sexual-violence-metoo-women.html>

expressed concerns about the slow progress of the bill. Additionally, the Secretary General 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.”⁷⁴ ⁷⁵ The Government of the Islamic Republic of Iran also noted during its 2019 Universal Periodic 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.

Reports released by the National Institution of Registry show that in the Persian year of 1397 (covering March 21, 2018 till March 21, 2019), the marriage of 133,087 girls under the age of 18 was registered in Iran.⁷⁶ For the same period, 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. ⁷⁷ ⁷⁸ However, the number is likely to be higher as many child marriages are unregistered.⁷⁹ 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.”⁸⁰

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. ⁸¹ ⁸² ⁸³ 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.”⁸⁴

⁷⁴ 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

⁷⁵ See Radio Farda <https://en.radiofarda.com/a/new-watered-down-draft-law-on-violence-against-women-iniran/30173089.html>; and www.isna.ir/news/98071612729/ (in Farsi).

⁷⁶ The National Institution of Registry: <<https://www.sabteahval.ir/>>

⁷⁷ 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

⁷⁸ See www.sabteahval.ir/avej/tab-1499.aspx (in Farsi)

⁷⁹ 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

⁸⁰ 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

⁸¹ 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

⁸² See www.sabteahval.ir/avej/tab-1499.aspx (in Farsi)

⁸³ See Human Rights Activists News Agency : <https://www.en-hrana.org/?s=child+marriage>

⁸⁴ CRC/C/IRN/CO/3-4, para. 27-28 <https://undocs.org/en/CRC/C/IRN/CO/3-4>

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.⁸⁵ 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.⁸⁶ 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.⁸⁷ 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.⁸⁸ However, underaged children lack access to redress and legal recourse as they cannot file lawsuits without the representation of their legal guardian.⁸⁹ 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.⁹⁰ Such provision deprives women and girls from legal and social protection when they run away from a forced marriage and girls have been reportedly brought back to their parents.⁹¹

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.⁹² 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.⁹³ 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.⁹⁴ 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

⁸⁵ Universal Periodic Review, 2019, Reply of the Islamic Republic of Iran, <https://undocs.org/en/A/HRC/43/12/Add.1>

⁸⁶ Iran Human Rights Documentation Center, https://iranhrdc.org/wp-content/uploads/pdf_en/LegalCom/Womens_Rights_Commentary_389929723.pdf

⁸⁷ 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

⁸⁸ Universal Periodic Review, 2019, Reply of the Islamic Republic of Iran, <https://undocs.org/en/A/HRC/43/12/Add.1>

⁸⁹ 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

⁹⁰ Amnesty International, 2015, <https://www.amnesty.org/download/Documents/MDE1311112015ENGLISH.pdf>

⁹¹ 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

⁹² Article 2 National Body for the Convention on the Rights of the Child Bylaws

⁹³ Justice for Iran, submission to the CRC, 2015,

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

⁹⁴ 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

of early marriage”.⁹⁵ There is no official and readily available information that might indicate whether these achievements have been impactful.

The Government reported that it was raising awareness on the issue of child marriage in local communities.⁹⁶ The government also claims to be working on improving the situation of early marriages, including in certain rural areas and some NGOs⁹⁷ are also active in these areas.⁹⁸ Despite these limited efforts, laws allowing child marriage remain in place and child marriage occurs regularly in the Islamic Republic of Iran.

The Government of the Islamic Republic of Iran has not ensured that the minimum age for marriage complies with international standards and has not ensured that measures to prevent forced, early and temporary marriage of girls are established.

Recommendation Status:

This recommendation has **NOT** been implemented.

⁹⁵ 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

⁹⁶ Universal Periodic Review, Iran, 2019, <https://undocs.org/A/HRC/43/12>

⁹⁷ Including Imam Ali’s Popular Students Relief Society based in Iran. <<https://sosapoverty.org/en/iapsrs/>>

⁹⁸ UPR Mid-Term Report by the Judiciary of the Islamic Republic of Iran for the attention of High Council for Human Rights (2015-2016), p.104