

Special Rapporteur on the situation of human rights in the Islamic Republic of Iran A/69/356 para 106

Full recommendation:

The Government should take immediate steps to address the increasing incidence of early and forced child marriage, in particular by banning child marriage and raising the minimum age for marriage to 18 years, as specified in a number of laws identified in the country's submission to the Committee on the Rights of the Child. He further appeals for efforts to define and criminalize domestic violence and to expand the definition of rape to encompass marital rape to be expedited. He asserts, however, that, while domestic violence is an egregious act, it does not constitute a lethal action required for the application of capital punishment under international law.

Assessment drafted using Impact Iran indicators¹

Articles 19 and 34 of the Convention on the Rights of the Child mandates states to prevent sexual exploitation of children in any scenario, including while in the care of a parent or a guardian. This includes any type of coercion or inducement of a child to engage in unlawful sexual activity. Furthermore, child marriage is regarded by human rights activists as conducive to (if not a form of) sexual abuse.² A law on child adoption, passed in 2013, legalized the marriage between a father and his adopted daughter.³ Such a marriage would be prohibited unless a court, after consulting with the state welfare organization, rules that such a marriage is in the best interest of the child though the conditions for this determination are not made clear.⁴

There is no formal age of consent defined by legislation in Iran as sexual relations outside of marriage are forbidden, thus age of consent is directly dependent on the minimum age of marriage. The legal minimum age for marriage is 13 years old for girls and 15 years old for boys.⁵ 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 only with legal and medical approval, was rejected by the Parliament's Committee for Judicial and Legal Affairs.⁶ In February 2019, the chair of the Committee stated that a "new plan" would be introduced for the

¹ Indicators used: CRC.19.1.S.1; CRC.19.1.P.1; CRC.19.1.O.1; ESCR.12.1.S.8

² Persia Education Foundation: https://www.persia.education/wp-content/uploads/2020/02/Legal_Study_Children_Rights.pdf

³ Law on the protection of children and adolescents without guardians or with irresponsible ones, Article 26, (2013), available at: <http://www.rooznamehrasmi.ir/Laws/ShowLaw.aspx?Code=1344> .

⁴ Impact Iran submission to the Committee on the Rights of the Child, review of the 3rd and 4th periodic reports of the Islamic Republic of Iran: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=IRN&Lang=EN

⁵ 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

⁶ Amnesty International, UPR submission 2019, <https://www.amnesty.org/download/Documents/MDE1305732019ENGLISH.PDF>

approval of parliament and the Guardian Council.⁷ 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, currently under governmental review, 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.”⁸ Despite initial positive changes in the bill that would prohibit early marriage for girls under 18, the latest version, as of March 2021, approved by the cabinet and sent to the parliament on January 14th 2021, does not include such provisions.^{9 10}

Marital rape is not recognized as a crime at all in Iran. The legal definition for ‘coerced *zina*’¹¹ is restricted to forced vaginal and anal penetration by a penis -therefore excludes other forms of penetration- and only when the perpetrator and the victim are unmarried -therefore explicitly excludes marital rape.¹² Beyond rape, no other form of sexual assault is specifically criminalized under the Islamic Penal Code.¹³

As a result, the Islamic Republic of Iran’s legislative framework is insufficient to combat domestic violence and marital rape.¹⁴ In 2017, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran found that Article 1108 of the Iranian Civil Code, which obliges wives to fulfill the sexual needs of their husbands at all times, “might even condone sexual abuse.”¹⁵

Reports have shown that police and judges often consider domestic violence as internal family matters.¹⁶ Police intervention has been reportedly discouraged and parties urged to settle out-of-court.^{17 18} State institutions and Iranian authorities have been reportedly unwilling to investigate, punish perpetrators and provide social services to victims of sexual assault or rape.¹⁹

⁷ Information from Impact Iran; see www.tasnimnews.com/fa/news/1397/11/17/1941311/

⁸ Universal Periodic Review, Iran, 2019, <https://undocs.org/A/HRC/43/12>

⁹ 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, <https://bit.ly/2youDGX> and <https://www.aa.com.tr/en/middle-east/iran-activists-hail-new-domestic-violence-law-expect-more-steps/2120181>

¹⁰ Universal Periodic Review, Iran, 2019, <https://undocs.org/A/HRC/43/12>

¹¹ *Zina* is referring to illicit sexual activities.

¹² Iran Human Rights Documentation Center, 2020, <https://iranhrdc.org/access-to-justice-for-victims-of-sexual-violence-in-iran/>

¹³ Ibid.

¹⁴ See more: Iran Human Rights Documentation Center, 2020, <https://iranhrdc.org/access-to-justice-for-victims-of-sexual-violence-in-iran/>

¹⁵ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 2017, <https://www.refworld.org/docid/58bd7e2b4.html>

¹⁶ 2019 Country Reports on Human Rights Practices: Iran, U.S. Department of State, <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/iran/>

¹⁷ UN General Assembly, ‘Situation of human rights in Iran’ (para 32), 31 August 2015

¹⁸ Australian Department of Foreign Affairs and Trade, Country Information report, Iran, 2020, <https://www.dfat.gov.au/sites/default/files/country-information-report-iran.pdf>

¹⁹ Iran Human Rights Documentation Center, 2020, <https://iranhrdc.org/access-to-justice-for-victims-of-sexual-violence-in-iran/>

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 11.²⁰ ²¹ However, the number is likely to be higher as many child marriages are unregistered.²² 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.”²³

Recommendation Status:

This recommendation has **NOT** been implemented.²⁴

²⁰ 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

²¹ See www.sabteahval.ir/avej/tab-1499.aspx (in Farsi)

²² 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

²³ Ibid.

²⁴ *For more, please see:* Impact Iran submission to the Committee on the Rights of the Child, review of the 3rd and 4th periodic reports of the Islamic Republic of Iran: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=IRN&Lang=EN