

Special Rapporteur on the situation of human rights in the Islamic Republic of Iran A/HRC/31/69 para 69

Full recommendation

The Special Rapporteur calls on the Government to amend laws that violate the rights of women or that undermine their equal and full enjoyment of civil, political, social and economic rights, including the rights to freedom of movement and work and the right to be free from discrimination, especially in the workplace. Draft legislation currently under consideration that appears to infringe on these rights and that may incite violence against women should be reconsidered as a means of addressing national and international concern. The Government should also reconsider laws that insist that women must seek permission to travel from their spouses, and he urges the Islamic Republic of Iran to protect children born within its jurisdiction by facilitating the ability of women to pass on their citizenship to their sons and daughters.

Assessment using Impact Iran human rights indicators¹

A. The Special Rapporteur calls on the Government to amend laws that violate the rights of women or that undermine their equal and full enjoyment of civil, political, social and economic rights, including the rights to freedom of movement and work and the right to be free from discrimination, especially in the workplace

Article 3 of the Constitution of the Islamic Republic of Iran stipulates that the State has a duty to work towards “the abolition of all forms of undesirable discrimination and the provision of equitable opportunities for all, in both the material and the intellectual spheres.”² Article 20 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 emphasizes that “the government must ensure the rights of women in all respects, in conformity with Islamic criteria”. According to Article 4 of the Constitution, the Guardian Council of the Islamic Republic of Iran is entrusted with defining and determining the framework of what constitutes the “Islamic criteria” or standards. Among the 12 non-elected members of the Guardian Council, only the six male clerics directly appointed by the Supreme Leader are responsible for such task. While the aforementioned provisions supposedly safeguard the human rights of women and protect them from discrimination, such legal guarantees only exist as long as they are in conformity with “Islamic criteria.” The opportunity for interpretation allowed under qualifications such as “in

¹ CCPR.2.1.S.1; CCPR.2.2.S.1; CCPR.2.3.S.1; 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.23.4.S.1; CRC.8.1.S.1; ESCR.2.2.S.1; ESCR.6.1.S.1; ESCR.6.1.S.3
CCPR.2.1.P.2; CCPR.2.3.P.1; CCPR.3.1.P.3; CCPR.16.1.P.1; CCPR.23.2.P.1; CCPR.2.3.P.1; CCPR.23.2.P.1
CCPR.23.3.P.1; ESCR.2.2.P.3; ESCR.6.1.P.1

CCPR.2.3.O.4; CCPR.3.1.O.4; CCPR.23.3.O.1; CRC.8.1.O.2; CCPR.2.1.O.1; ESCR.6.1.O.2

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

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 state’s interpretation of Islamic *Sharia* precepts and contains provisions which directly discriminate between girls and boys within the criminal justice system. A significant illustration of such discrimination is the age of criminal responsibility, which is set at nine lunar years for girls (equivalent to eight years, nine months) and fifteen lunar years for boys (equivalent of fourteen years, seven months).³ Additionally, the Islamic Penal Code (2013) penalizes 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*.^{4 5}

Many provisions under the Iranian Civil Code are discriminatory towards women. These provisions include the legal age of marriage,⁶ the share of inheritance,⁷ and the right to divorce.⁸ In marriage, the Civil Code provides rights to the husband over those of the wife,⁹ notably by establishing that the position of the ‘head of the family’ is the exclusive prerogative of the husband. Under Iranian law, the husband is entitled to control aspects of his wife’s life¹⁰ and demand that she performs her ‘duties.’¹¹ The legal minimum age for marriage is 13 years old for girls and 15 years old for boys.¹² However, children who have reached puberty (9 lunar years for girls, 15 lunar years for boys) can marry with parental consent and court approval.¹³

The Islamic Republic of Iran does not have laws specifically criminalizing domestic violence. Article 630 of the Islamic Penal Code (2013) excludes husbands from criminal liability when they commit murder, assault and battery against their wife if the husband catches their wife committing a *zina* offence (adultery and fornication) with another man. Rape is not classified as

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, Article 638, Iran Human Rights Documentation Center, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

⁵ See more: Minority Rights, Beyond the Veil: Discrimination against women in Iran, 2019, https://minorityrights.org/wp-content/uploads/2019/09/MRG_CFR_Iran_EN_Sept191.pdf

⁶ Article 1041 of the Civil Code

⁷ Articles 861 to 885 of the Civil Code

⁸ Article 1133, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

⁹ Articles 1102 to 1119, 1133 to 1142, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

¹⁰ For instance, under Article 1117 of the Civil Code of the Islamic Republic of Iran “The husband can prevent his wife from occupations or technical work which is incompatible with the family interests or the dignity of himself or his wife.” <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

¹¹ Article 1108, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

¹² 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

¹³ Iran Human Rights Documentation Center, https://iranhrdc.org/wp-content/uploads/pdf_en/LegalCom/Womens_Rights_Commentary_389929723.pdf

a distinct crime under Iranian law but is considered as a *zina* offence without consent.¹⁴ Marital rape is not recognized as a crime at all. The legal definition for ‘coerced *zina*’ 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.¹⁵ Beyond rape, no other form of sexual assault is criminalized under the Islamic Penal Code.¹⁶ As a result, the Islamic Republic of Iran’s legislative framework is insufficient to combat domestic violence and marital rape.¹⁷ 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 fulfil the sexual needs of their husbands at all times, “might even condone sexual abuse”.¹⁸ There is a serious lack of comprehensive and readily available official data on the prevalence of domestic violence in the Islamic Republic of Iran,^{19 20} but cases of domestic violence are regularly reported and considered widespread in the Islamic Republic of Iran.^{21 22 23 24 25 26}

Complaints of violence against women are usually first brought to the police. However, reports of cases of violence against women have shown that there is a general lack of accountability for perpetrators.^{27 28 29} Victims wishing to file a complaint for domestic violence must present two adult male witnesses to the assault, an evidentiary burden difficult to meet -if not impossible.³⁰ Further, a woman is only given permission to leave the marital house if she can prove to a court a

¹⁴ Article 221 of the Islamic Penal Code (2013), Iran Human Rights Documentation Centre, <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

¹⁵ Iran Human Rights Documentation Center, 2020, <https://iranhrdc.org/access-to-justice-for-victims-of-sexual-violence-in-iran/>

¹⁶ Iran Human Rights Documentation Center, 2020, <https://iranhrdc.org/access-to-justice-for-victims-of-sexual-violence-in-iran/>

¹⁷ See more: Iran Human Rights Documentation Center, 2020, <https://iranhrdc.org/access-to-justice-for-victims-of-sexual-violence-in-iran/>

¹⁸ 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>

¹⁹ 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>

²⁰ Amnesty International, ‘You shall procreate’ (p. 31), March 2015,

<https://www.amnesty.org/download/Documents/MDE131112015ENGLISH.pdf>

²¹ Amnesty International, ‘Iran 2019’, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/iran/report-iran/>

²² Human Rights Activists in Iran En-HRANA, 2019 report, <https://www.en-hrana.org/wp-content/uploads/2020/01/Hrana-Annual-Report-2019.pdf>

²³ Human Rights Activists News Agency, 2019, <https://www.en-hrana.org/increase-in-domestic-violence-in-tehran-more-than-16-thousand-cases-were-filed>

²⁴ Human Rights Activists News Agency, 2020, <https://www.en-hrana.org/domestic-violence-increased-during-coronavirus-quarantines-and-stay-at-home-orders>

²⁵ Human Rights Activists News Agency, 2020, <https://www.en-hrana.org/domestic-violence-increased-during-coronavirus-quarantines-and-stay-at-home-orders>

²⁶ IRNA, 2020, <https://bit.ly/38UoMfB>

²⁷ Center for Human Rights in Iran, 2019, <https://iranhumanrights.org/2019/11/stop-violence-against-women/>

²⁸ Iran Human Rights Documentation Center, 2020, <https://iranhrdc.org/access-to-justice-for-victims-of-sexual-violence-in-iran/>

²⁹ Human Rights Activists News Agency, <https://www.en-hrana.org/articles>

³⁰ “The standard [of proof] for testimony in all offences shall be two male witnesses; unless in *zina*, *livat*, *tafkhez*, and *mosaheqeh* which shall be proved by four male witnesses” Article 199 of the Islamic Penal Code (2013), Iran Human Rights Documentation Center, 2020, <https://iranhrdc.org/access-to-justice-for-victims-of-sexual-violence-in-iran/>

significant risk of bodily harm or threat to her life and safety.³¹ When perpetrators are convicted, sentences tend to be payments of *diyah* (financial compensation)³², unless the offence is found to have disrupted public order and the safety of society, in which case prison may be imposed.³³ Additionally, the absence of laws providing for the issuance of restraining orders puts victims under the risk of abusers' retaliation. In October 2018, a woman was reportedly murdered by her brother at the hospital, where she was hospitalized after he stabbed her.³⁴ Reports have shown that police and judges often consider domestic violence as internal family matters.³⁵ Police intervention has been reportedly discouraged and parties are urged to settle out-of-court.^{36,37} State institutions and Iranian authorities have been reportedly unwilling to investigate, punish perpetrators, or provide social services to victims of sexual assault or rape.³⁸

Structural discrimination is deeply entrenched in the Iranian legal system, ultimately translating in practice in widespread discriminations against women in all aspects of their lives.³⁹ There are various mechanisms where Iranian citizens can report violations of their rights in the Islamic Republic of Iran, including the Article 90 Commission of the parliament,⁴⁰ or Oversight Bodies for the exercise of Citizenship Rights in the country's provincial courts.⁴¹ However and as aforementioned, gender discrimination is inherent to the Iranian legal framework. 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 to receive complaints from children, including girls, in the Islamic Republic of Iran. Although there is an office associated with the President's office called Deputy on Women's and Family Affairs, which is tasked with handling issues surrounding violence against women, there is no readily available information that might indicate whether the office's work has had an impact in practice. 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.

³¹ Amnesty International, 2015, <https://www.amnesty.org/download/Documents/MDE1311112015ENGLISH.pdf>

³² Amnesty International, 2015, <https://www.amnesty.org/download/Documents/MDE1311112015ENGLISH.pdf>

³³ Article 614, Islamic Penal Code (2013), Iran Human Rights Documentation Center, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

³⁴ Center for Human Rights in Iran, 2018, <https://iranhumanrights.org/2018/11/iran-must-pass-legislation-to-protect-women-against-violence/>; <https://bit.ly/2NUR44z>

³⁵ 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/>

³⁶ UN General Assembly, 'Situation of human rights in Iran' (para 32), 31 August 2015, <https://undocs.org/Home/Mobile?FinalSymbol=A%2F70%2F352&Language=E&DeviceType=Desktop>

³⁷ 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>

³⁸ Iran Human Rights Documentation Center, 2020, <https://iranhrdc.org/access-to-justice-for-victims-of-sexual-violence-in-iran/>

³⁹ See more: Minority Rights, https://minorityrights.org/wp-content/uploads/2019/09/MRG_CFR_Iran_EN_Sept191.pdf

⁴⁰ 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.

⁴¹ These committees have the responsibility to oversee the strict implementation of the "Law on Respect for Legitimate Freedoms and Civil Rights"

With regards to women’s right to work, a husband can prevent his spouse from pursuing an occupation which he believes to be against family values or harmful to his or her reputation.⁴² There is no law prohibiting an employer from seeking a husband’s permission for a woman to work and employers have been reportedly requiring engaged or married women to provide a written statement of permission from their husbands in order to be hired.⁴³

A number of provisions under Iranian labour laws protect the right to work without discrimination,⁴⁴ yet forbids women from being employed in ‘dangerous, arduous or harmful work’.⁴⁵ Women do not have access to certain positions in the Judiciary or the government. For example, women cannot be judges of the courts.⁴⁶ Job benefits, such as social security and health insurance, family bonuses or paid overtime, inhere to the man.⁴⁷⁴⁸ Additionally, the Iranian labour code does not provide legal safeguards against discrimination in the hiring process.

There is a mechanism working under the oversight of the Ministry of Labour that is tasked with receiving and analysing complaints related to labour standards. There is no readily available information with regards to the number of received complaints of gender-based discriminations to access employment or within the workplace, or whether such complaints have been addressed. There are no official and readily available reports of cases of discriminations in the workplace in the Islamic Republic of Iran, but in practice, non-discrimination provisions reportedly fail to be enforced.⁴⁹ Reports of women facing discrimination, sexual harassment and assault, notably in the workplace, have gained more visibility recently including on social media in Iran.⁵⁰⁵¹

Although not challenging the discriminatory legal framework described above, the Government engaged in several steps to address women’s access to employment in the Islamic Republic of Iran. By the order of President Rouhani, the Supreme Administrative Council reportedly decided to allocate 30% of the managerial positions to Iranian women. The Government also established a National Task Force on the Empowerment of Female Heads of Households in the field of development of employment and entrepreneurship and launched the Women's Business Development and Acceleration Center, which is aimed at “strengthening rural women's

⁴² Civil Code of the Islamic Republic of Iran, Art.1117 < <https://shenasname.ir/laws/6664> >

⁴³ Human Rights Watch, ‘It’s A Men’s Club’: Discrimination against Women in Iran’s Labour Market, May 2017

⁴⁴ Including Articles 6 and 28, The Labor Law: < <https://shenasname.ir/laws/kar/1017> >

⁴⁵ The Islamic Republic of Iran, Iranian Labour Code, 1990, Articles 6 and 75.

⁴⁶ Regulations for the appointment of judges of the country: < <http://rooznamehrasmi.ir/Laws/ShowLaw.aspx?Code=927> >

⁴⁷ Articles 1102 to 1119, 1133 to 1142, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

⁴⁸ Article 58 of the Social Security Act (adopted on June 24, 1975, and its subsequent amendments): < <https://shenasname.ir/laws/tamin/1024> >

⁴⁹ Human Rights Watch <<https://www.hrw.org/report/2017/05/25/its-mens-club/discrimination-against-women-irans-job-market>>

⁵⁰ <https://www.bbc.com/news/blogs-trending-35535269>

⁵¹ <https://www.aljazeera.com/news/2020/9/22/iranians-break-taboos-with-their-own-version-of-metoo> ; <https://www.hrw.org/news/2020/09/09/iran-having-its-metoo-moment>

associations and cooperation” as well as “entrepreneurship development for women”.⁵² Out of the 41 million Iranian female population,⁵³ the Government reported that 4,000 are “active female entrepreneurs”.⁵⁴ According to the Government, women’s economic participation rate “has risen from 12.4% in 2013 to 16.4% in 2018”.⁵⁵ Other governmental statistics published in 2018 reportedly indicated that female economic participation stood at 15.9%.⁵⁶ Regardless, such rates remain some of the lowest in the world. In the World Economic Forum’s Global Gender Gap Report in 2017, Iran was ranked 140 out of 144 countries assessed.⁵⁷ Similarly, a World Bank study ranked Iran fourth lowest in its 2019 Women, Business and the Law index.⁵⁸ Unemployment is more prevalent among women in Iran compared to men.⁵⁹

Even though the Islamic Republic of Iran has not ratified the Convention on the Elimination of all forms of Discriminations Against Women, the Islamic Republic of Iran is bound by the International Covenant on Civil and Political Rights, the Convention on Economic, Social and Cultural Rights and the Convention on the Rights of Children. In light of the above, the Government of the Islamic Republic of Iran has not amended its laws that violate the rights of women or that undermine their equal and full enjoyment of civil, political, social and economic rights, including the rights to freedom of movement and work and the right to be free from discrimination, especially in the workplace.

B. Draft legislation currently under consideration that appears to infringe on these rights and that may incite violence against women should be reconsidered as a means of addressing national and international concern.

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.”⁶⁰ However, in January 2020, the U.N. Secretary General expressed concerns about the slow progress of the bill, which has been under review

⁵² UPR 2019, National Report, Islamic Republic of Iran, <https://undocs.org/A/HRC/WG.6/34/IRN/1>

⁵³ World Bank, 2019, <https://data.worldbank.org/indicator/SP.POP.TOTL.FE.IN?locations=IR>

⁵⁴ UPR 2019, National Report, Islamic Republic of Iran, <https://undocs.org/A/HRC/WG.6/34/IRN/1>

⁵⁵ UPR 2019, National Report, Islamic Republic of Iran, <https://undocs.org/A/HRC/WG.6/34/IRN/1>

⁵⁶ Statistical Centre of Iran, *Natayej-e-Amar giri-ye- nirou-ye-kaar, Paeiz-e-1396* [Results of the census on workforce, Autumn of 1396], <https://bit.ly/330NG8t>

⁵⁷ World Economic Forum, the Global Gender Gap Report 2017. Available from: <<http://reports.weforum.org/global-gender-gap-report-2017/dataexplorer/#economy=IRN>>

⁵⁸ World Bank, Women, Business and the Law 2019: A Decade of Reform, May 2019, p.9

⁵⁹ Statistics Center of Iran <https://www.amar.org.ir/Portals/1/releases/lfs/LFS_1397.pdf>

⁶⁰ Universal Periodic Review, Iran, 2019, <https://undocs.org/A/HRC/43/12>

since 2010⁶¹, and as of January 2021 is under the review of the Iranian Parliament.⁶² 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.”⁶³ ⁶⁴

The available drafts of the law currently suggest that the text may be insufficient to protect women in Iran from discrimination and violence. Even though the draft law may bring positive developments, it will remain limited by the Civil Code⁶⁵, the Family Law⁶⁶, and the Islamic Penal Code⁶⁷, all of which contain provisions effectively discriminating against women and failing to protect them adequately from violence.

Further, in November 2019, the Islamic Republic of Iran rejected States’ UPR recommendations asking for the criminalization of domestic violence and marital rape.⁶⁸ This suggests that the law currently under the Parliament’s review will not criminalize domestic violence and marital rape. As such, the draft legislation currently under the consideration of the Iranian Parliament may well fail to address national and international concerns.

C. The Government should reconsider laws that insist that women must seek permission to travel from their spouses.

Iran’s Civil Code forbids a woman from leaving the matrimonial home without the husband’s permission, unless she is able and willing to go to court to prove she is endangered.⁶⁹ The Civil Code specifies that a woman who decides to leave the marital home will not receive alimony from her husband anymore, which may well function as a deterrent for women to exercise their freedom of movement.

According to Article 18 (3) of the Passport law, a woman needs written permission from her husband to obtain a passport.⁷⁰ In addition, the husband has the right to forbid his wife from the country, regardless of whether she holds a passport. In exceptional cases, the county prosecutor can authorize the issuance of a passport for a woman; however, only a few exceptions have been

⁶¹ 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>

⁶² New York Times, <https://www.nytimes.com/2021/01/05/world/middleeast/iran-sexual-violence-metoo-women.html>

⁶³ 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

⁶⁴ 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).

⁶⁵ The Civil Code: < <https://shenasname.ir/laws/6664> >

⁶⁶ The Family Law: < <https://shenasname.ir/subjects/family/1470> >

⁶⁷ The Islamic Penal Code: <<https://shenasname.ir/subjects/salamat/1571-mojazat92> >

⁶⁸ Recommendations 26.253, 26.254, Universal Periodic Review, Iran, 2019, <https://undocs.org/en/A/HRC/43/12/Add.1>

⁶⁹ Article 1117 of the Civil Code.

⁷⁰ The Passport Law: <<https://rc.majlis.ir/fa/law/show/96904> >

made so far.⁷¹ Previously, a bill was introduced to the Iranian Parliament to amend the passport law and eliminate the absolute right of husband over their spouse to travel outside of the country, which failed and did not go through the legislation process.⁷² In 2017, a draft law that would allow women with particular jobs – notably athletes and artists- to travel outside the country without their husband’s consent, provided that they secure the permission of the prosecutor-general, was introduced to the Parliament.⁷³

There is no readily available information that would indicate that the Government of the Islamic Republic of Iran is reconsidering laws that insist that women must seek permission to travel from their spouses.

D. The Special Rapporteur urges the Islamic Republic of Iran to protect children born within its jurisdiction by facilitating the ability of women to pass on their citizenship to their sons and daughters.

The Iranian government passed a new law in 2020 that enables Iranian mothers who married a foreign national to pass on their nationality to their children, provided that they have been cleared by national security checks carried by the Intelligence Ministry and the Islamic Revolutionary Guard Corps’ intelligence organization.⁷⁴ The law, entitled “Granting Citizenship to Children Resulting from Marriage Between Iranian Women and Non-Iranian Men” was approved by the Guardian Council on October 2nd, 2019.⁷⁵ Before this date, Article 976 of the Iranian Civil Code provided that only children born of Iranian fathers could be granted citizenship.

There is no official and readily available information as to the impact of the law in practice.⁷⁶ The law is expected to contribute to granting citizenship to around 500,000 children (mostly children of Afghan refugees and Iranian women) who had, until now, been deprived of a legal avenue for obtaining an Iranian birth certificate.⁷⁷

⁷¹ For example, Niloufar Ardalan, a player in the Iranian women's futsal team, was unable to leave the country and participate in competitions due to her husband's opposition. An issue that led to the issuance of a temporary permit with the intervention of the Tehran prosecutor and a temporary court order. <<https://www.asriran.com/001opM>>

⁷² The latest status of the plan "Women leave the country without the permission of their husbands", <www.tabnak.ir/003GUK>

⁷³ Asriran News Agency, ‘Mowlaverdi : Tarh-e- eslaah-e-gozarnameh baraye khourouj-e-zanan az keshvar dar Majles barrasi mishavad [Mowlaverdi: The draft bill on the amendments to the passport law allowing women to leave the country will be discussed in the Parliament], 28 July 2017, <https://bit.ly/330XCyC>

⁷⁴ Radio Farda: <<https://en.radiofarda.com/a/children-with-iranian-mothers-foreign-fathers-to-receive-citizenship-30652718.html>>

⁷⁵ <https://rrk.ir/Laws/ShowLaw.aspx?Code=22043>

⁷⁶ ISNA< <https://www.isna.ir/news/98071007927/>>

⁷⁷ ISNA< <https://www.isna.ir/news/98071007927/>> ; < <https://www.unhcr.org/ir/fa/2020/12/01/75000-children-in-iran-to-gain-nationality-under-new-law/>>

The Government of the Islamic Republic of Iran has not amended laws that violate the rights of women or that undermine their equal and full enjoyment of civil, political, social and economic rights. The draft law on the protection of women against violence, as of now, infringes on the rights of women and may incite violence against women by not criminalizing domestic violence, marital rape or child marriage. The Government of the Islamic Republic of Iran has not reconsidered laws that insist that women must seek permission to travel from their spouses. The Government of the Islamic Republic of Iran, however, has facilitated the ability of women to pass on their citizenship to their children.

Recommendation Status:

This recommendation has been **PARTIALLY** implemented.