

Concluding Observations Committee on the Rights of the Child CRC/C/IRN/CO/3-4 para 30

Full recommendation:

The Committee urges the State party to revise its legislation in order to ensure that girls enjoy the same rights and entitlements as boys in all aspects of life, especially in family relations, the criminal and civil justice system and property rights, and to take measures to eliminate any forms of discrimination in practice.

Assessment using Impact Iran human rights indicators¹

A. Family relations

Child marriage continues to be permitted under Iranian law yet the minimum age of marriage is different based on gender. The legal minimum age for marriage is 13 for girls and 15 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 criminalised 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 the approval of parliament 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, currently under governmental review, will be "aimed at criminalising new forms of assault, harassment and violations of the

¹ CRC.19.1.S.; ESCR.3.S.1; CCPR.14.1.S.1;

CRC.19.1.P.1; ESCR.2.2.P.1;

CCPR.3.O.2; ESCR.2.2.O.2; CCPR.14.1.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/

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 for girls under 18.¹⁰ However the bill has been under review since 2010¹¹ and as of February 2021 is under the review of the Iranian Parliament.¹² In January 2020, the UN Secretary General 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 criminalising domestic violence.”¹³ ¹⁴ 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.¹⁵

Between March 2018 and March 2019, the National Organisation 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. ¹⁶ ¹⁷ However, the number is likely to be higher as many child marriages are unregistered.¹⁸ 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.”¹⁹

Additionally, a large number of provisions under the Iranian Civil Code are discriminatory towards women. These provisions notably include the legal age of marriage,²⁰ the share of inheritance,²¹ and the right to divorce.²² In marriage, the Civil Code provides rights to the husband over those of the wife,²³ notably by establishing that the position of the ‘head of the

⁹ Universal Periodic Review, Iran, 2019, <https://undocs.org/A/HRC/43/12>

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 mamnu’ol khorouj mikonad [A spouse who doesn’t live but bans me from leaving the country],’ 4 October 2015, <https://bit.ly/2youDGX>

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.](#)

¹⁴ See <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).

¹⁵ Universal Periodic Review, Iran, 2019, <https://undocs.org/A/HRC/43/12>

¹⁶ [Report of the Secretary General, Situation of Human Rights in the Islamic Republic of Iran, 2020, para 37](#)

¹⁷ See www.sabteahval.ir/avej/tab-1499.aspx (in Farsi)

¹⁸ [Report of the Secretary General, Situation of Human Rights in the Islamic Republic of Iran, 2020, para 37](#)

¹⁹ Ibid.

²⁰ Article 1041, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

²¹ Articles 861 to 948, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

²² Article 1133, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

²³ 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/>

family’ is the exclusive prerogative of the husband. Under Iranian law the husband is entitled to control aspects of his wife’s life²⁴ and demand that she performs her ‘duties’.²⁵

B. The criminal and civil justice system

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 of the Constitution emphasises that “the government must ensure the rights of women in all respects, in conformity with Islamic criteria”.²⁶ While these provisions supposedly safeguard the human rights of women and protect them from discrimination, such legal guarantees exist as long as they are in conformity with “Islamic criteria.” The room of interpretation allowed under the qualifications such as “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 under the criminal justice system. 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 in solar years) and fifteen lunar years for boys (the Gregorian equivalent of fourteen years, seven months in solar years).²⁷ The Islamic Republic of Iran has not increased the age of criminal responsibility for girls nor does it seem that the Government is considering such a change.

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’s²⁸ or not even considered²⁹ in some proceedings. The Islamic Penal Code (2013) also penalises women and girls over the age of nine who do not comply with Islamic dress code in public, notably with wearing the compulsory *hijab*.³⁰

²⁴ 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/>

²⁵ Article 1108, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

²⁶ Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

²⁷ 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/>

²⁸ 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/>

²⁹ 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/>

³⁰ 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/>

C. Property rights

The share of inheritance under Iranian law discriminates between men and women.³¹ Article 907 of the Civil Code provides that in matters of inheritance, when a deceased person has multiple heirs, sons inherit twice as much as daughters.³² According to Article 911 of the Civil Code, if the deceased leaves no sons or daughters, his grandchildren will inherit according to the portion their parent would have received; hence, the children of a son receive twice as much as the children of a daughter.³³ The division of that inheritance is then dictated by the gender of each individual, boys receiving twice as much as girls.³⁴

D. Discrimination in practice

Structural discrimination deeply entrenched in the Iranian legal system ultimately translates in practice to widespread discrimination against women and girls, in all aspects of their lives.³⁵ There are a number of mechanisms through which Iranian citizens can report violations of their rights in the Islamic Republic of Iran, including the Parliament's Article 90 Commission,³⁶ or Oversight Bodies for the exercise of Citizenship Rights in the country's provincial courts.³⁷ As previously mentioned however, gender discrimination is inherent to the Iranian legal framework. Consequently, there is little opportunity for one's complaint in these matters 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. In regard 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.

³¹ Articles 861 to 948, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

³² Civil Code of the Islamic Republic of Iran, Article 907.

³³ Civil Code of the Islamic Republic of Iran, Article 911.

³⁴ 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

³⁵ See more: Minority Rights, https://minorityrights.org/wp-content/uploads/2019/09/MRG_CFR_Iran_EN_Sept191.pdf

³⁶ The Parliament's 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.

³⁷ These committees have the responsibility to oversee the strict implementation of the "Law on Respect for Legitimate Freedoms and Civil Rights"