

Concluding Observation Committee on the Rights of the Child CRC/C/IRN/CO/3-4 para 58

Full recommendation:

The Committee urges the State party to repeal all legal provisions that authorize, condone or lead to child sexual abuse and to ensure that perpetrators of child sexual abuse are brought to justice. The State party should also increase the legal age of consent to sexual relations to 16 years. The Committee also urges the State party to increase the legal age of marriage to 18 years and to criminalize marital rape. Furthermore, the Committee recommends that the State party develop programmes and policies for the prevention, recovery and social reintegration of child victims, including child brides, in accordance with the documents adopted at the World Congresses against Commercial Sexual Exploitation of Children.

Assessment using Impact Iran indicators¹

- a. To repeal all legal provisions that authorize, condone or lead to child sexual abuse and to ensure that perpetrators of child sexual abuse are brought to justice. The State party should also increase the legal age of consent to sexual relations to 16 years. The Committee also urges the State party to increase the legal age of marriage to 18 years and to criminalize marital rape**

Articles 19 and 34 of the Convention on the Rights of the Child mandate 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 new 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 for girls and 15 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 approval of

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](#)

³ [Law on the protection of children and adolescents without guardians or with irresponsible ones, Article 26, \(2013\)](#)

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](#)

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](#)

⁶ [Amnesty International, UPR submission 2019](#)

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 Reportedly, the bill would also include the prohibition of forced and early marriage for girls under 18.⁹ However, the bill has been under review since 2010¹⁰ and despite being submitted to the Government by the judiciary in September 2019¹¹, in January 2020, the U.N. 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 criminalizing domestic violence.”¹² ¹³ 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.¹⁴

Marital rape is not recognized as a crime at all in Iran. The legal definition for ‘coerced *zina*’¹⁵ 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.¹⁶ Beyond rape, no other form of sexual assault is specifically criminalized under the Islamic Penal Code.¹⁷

As a result, the Islamic Republic of Iran’s legislative framework is insufficient to combat domestic violence and marital rape.¹⁸ 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”.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>

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)

¹¹ [Report of the Secretary General, Situation of human rights in the Islamic Republic of Iran, 2020](https://www.justice.gov/eoir/page/file/1203136/download)

¹² [Report of the Secretary General, Situation of human rights in the Islamic Republic of Iran, 2020](https://www.justice.gov/eoir/page/file/1203136/download)

¹³ 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).

¹⁴ Universal Periodic Review, Iran, 2019, <https://undocs.org/A/HRC/43/12>

¹⁵ *Zina* is referring to illicit sexual activities.

¹⁶ [Iran Human Rights Documentation Center, 2020](https://www.justice.gov/eoir/page/file/1203136/download)

¹⁷ [Iran Human Rights Documentation Center, 2020](https://www.justice.gov/eoir/page/file/1203136/download)

¹⁸ See more: [Iran Human Rights Documentation Center, 2020](https://www.justice.gov/eoir/page/file/1203136/download)

¹⁹ [Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 2017](https://www.justice.gov/eoir/page/file/1203136/download)

Reports have shown that police and judges often consider domestic violence as internal family matters.²⁰ Police intervention has been reportedly discouraged and parties urged to settle out-of-court.^{21 22} State institutions and Iranian authorities have been reportedly unwilling to investigate, punish perpetrators and provide social services to victims of sexual assault or rape.²³

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.^{24 25} However, the number is likely to be higher as many child marriages are unregistered.²⁶ 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.”²⁷

b. Develop programmes and policies for the prevention, recovery and social reintegration of child victims, including child brides, in accordance with the documents adopted at the World Congresses against Commercial Sexual Exploitation of Children.

Although recovery and reintegration programs for child victims fall under the purview of the State Welfare Organization of Iran, there are no reports to assess their quality and effectiveness in receiving and addressing cases of mistreatment.

Recommendation Status:

This recommendation has **NOT** been implemented.

²⁰ [2019 Country Reports on Human Rights Practices: Iran, U.S. Department of State](#)

²¹ UN General Assembly, ‘Situation of human rights in Iran’ (para 32), 31 August 2015

²² [Australian Department of Foreign Affairs and Trade, Country Information report, Iran, 2020](#)

²³ [Iran Human Rights Documentation Center, 2020](#)

²⁴ [Report of the Secretary General, Situation of Human Rights in the Islamic Republic of Iran, 2020, para 37](#)

²⁵ See www.sabteahval.ir/avej/tab-1499.aspx (in Farsi)

²⁶ [Report of the Secretary General, Situation of Human Rights in the Islamic Republic of Iran, 2020, para 37](#)

²⁷ [Report of the Secretary General, Situation of Human Rights in the Islamic Republic of Iran, 2020, para 37](#)