

Concluding Observation Committee on the Rights of the Child CRC/C/IRN/CO/3-4 para 62

Full recommendation

With reference to paragraph 27 of the present document, the Committee urges the State party to revise its Civil Code and all other relevant legislation to ensure equal rights of girls in family relations and provide girls with the right to inheritance on equal terms with boys. Furthermore, the Committee recommends that the State party consider ratifying the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance, the Hague Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations, and the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children.

Assessment using Impact Iran indicators¹

A. Family relations

According to Article 906 of Iran's Civil Code of 1969, women have the right to inherit half as much as men from their deceased parents.² There has been no progress on changing this law and the situation of inequality in terms of inheritance distribution still stands.

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 criminalized 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

¹ CCPR.3.S.1; CCPR.3.P.1; CCPR.26.P.1; CRC.19.1.S.1; CRC.19.1.P.1; CRC.19.1.O.1

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

³ Iran Human Rights Documentation Center

⁴ Committee on the Rights of the Child, 2016, CRC/C/IRN/CO/3-4, paras. 27–28

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

⁷ Amnesty International, UPR submission 2019

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 criminalizing new forms of assault, harassment and violations of the 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 The bill has been under review since 2010¹¹ and is still under review as of February 2021.¹² In January 2020, the U.N. Secretary General expressed concerns about the slow progress of the bill. The Secretary General also 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.”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 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. 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

⁸ Information from Impact Iran

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 mamnou’ol khorouj mikonad [A spouse who doesn’t live but bans me from leaving the country],’ 4 October 2015

¹¹ Ceasefire Centre for Civilian Rights, Centre for Supporters of Human Rights and Minority Rights Group International September 2019

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 Report of the Secretary General, Situation of Human Rights in the Islamic Republic of Iran, 2020, para 37

²⁰ Article 1041, Civil Code of the Islamic Republic of Iran.

²¹ Articles 861 to 948, Civil Code of the Islamic Republic of Iran.

²² Article 1133, Civil Code of the Islamic Republic of Iran

husband over those of the wife,²³ 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 life²⁴ and demand that she perform her ‘duties’.²⁵

B. Ratification of international instruments

Iran has neither signed nor ratified the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance, the Hague Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations, or the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children.

Recommendation Status:

This recommendation has **NOT** been implemented.

²³ [Articles 1102 to 1119, 1133 to 1142, Civil Code of the Islamic Republic of Iran](#)

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/>