

Concluding Observations Committee on the Rights of the Child CRC/C/IRN/CO/3-4 para 70

Full recommendation:

The Committee draws the State party's attention to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and recommends that the State party take all necessary measures to prevent early pregnancies by prohibiting child marriages and providing access to contraceptives and to safe abortion, and to post-abortion care services, throughout the country. It also recommends that the State party decriminalise abortions in all circumstances and ensure that the views of the pregnant girl are always heard and respected in abortion decisions. Furthermore, the Committee recommends that the State party take measures to increase the allocation of public funds to improve the health situation of inhabitants of remote areas, focusing in particular on the health infrastructure. In doing so, the State party should seek financial and technical assistance from UNICEF and the World Health Organisation, among others.

Assessment drafted using Impact Iran indicators¹

A. Prohibiting child marriages

Child marriage continues to be permitted under Iranian law. The legal minimum age for marriage is 13 for girls and 15 for boys², though 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

¹ CRC.19.1.S.1; ESCR.12.1.S.6; CRC.19.1.P.1; ESCR.12.1.O.11; CCPR.3.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](#)

³ [Iran Human Rights Documentation Center](#)

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](#)

approval by parliament and by 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 rights of women and adopting preventive and support measures to stop violence against women.”⁹ The bill would reportedly also include the prohibition of forced and early marriage for girls under 18.¹⁰ The bill has however been under review since 2010¹¹ and despite being submitted to the Government by the judiciary in September 2019¹², the UN Secretary General expressed concern in January 2020 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 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, though 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 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 Despite ongoing legislative review which would potentially prohibit early marriage in the Islamic Republic of Iran, girls and boys as young as 9 and 15 lunar years respectively can still

⁸ Information from Impact Iran; see www.tasnimnews.com/fa/news/1397/11/17/1941311/

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; Iranian 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>

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

September 2019, <https://www.justice.gov/coir/page/file/1203136/download>

¹² [Report of the Secretary General, Situation of human rights in the Islamic Republic of Iran, 2020](#)

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](#)

get married under Iranian legislation and translate reportedly in widespread practice.^{20 21 22} In 2016, the Committee on the Rights of the Child stated that the legal age of marriage in the Islamic Republic of Iran “gravely violated rights under the Convention [on the Rights of the Child] and placed children, in particular girls, at risk of forced, early and temporary marriages, with irreversible consequences on their physical and mental health and development.”²³

B. Providing access to contraceptives and to safe abortion, and to post-abortion care services, throughout the country. It also recommends that the State party decriminalise abortions in all circumstances and ensure that the views of the pregnant girl are always heard and respected in abortion decisions

Access to contraceptives had been provided in Iran by public hospitals, yet this service was terminated in June 2020, along with vasectomies.²⁴ According to statistics gathered by the United Nations Department of Economic and Social Affairs, Population Division, around 53.8% of Iranians used some sort of contraceptive.²⁵

In terms of abortion, the pre-1979 revolution laws that allowed for unrestricted abortions in Iran were removed in 1982 by the Guardian Council.²⁶ Abortion was later criminalised in Article 90 and 91 of the “*Ta’ziraat* and Deterrent Punishments” law of 1984 which dealt with punishments not specified in *Shari’a* Law. The punishment for acts of abortion was blood money (*Diyah*). This law was ultimately merged with other punitive laws to form the “Law for Islamic Penalties” of 1997, which criminalised abortion in Articles 622-624. Despite this prohibition, Iran’s post-revolution government did not remove the “Medical Code of Conduct” which includes in its 17th Article, the possibility of abortion, which is conditional upon proof that the life of the mother is in jeopardy. Official access to abortion thus depends on the presence of proof that childbirth would endanger the mother’s life. Women have limited options absent this documentation, often having to resort to potentially dangerous procedures outside of the formal healthcare system. These illegal procedures are associated with risks of permanent physical and psychological damage for mothers.²⁷ It is worth mentioning that mothers seeking post-abortion medical care after undertaking illegal abortions can do so with registered health officials in Iran, as they are not pressed to report these cases to the authorities.²⁸

²⁰ [Report of the Secretary General, Situation of Human Rights in the Islamic Republic of Iran, 2020, para 37](#)

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

²² See Human Rights Activists News Agency: <https://www.en-hrana.org/?s=child+marriage>

²³ CRC/IRN/CO/3-4, para. 27-28 <https://undocs.org/en/CRC/IRN/CO/3-4>

²⁴ BBC News: <https://www.bbc.com/news/world-middle-east-53048719>

²⁵ [United Nations Department of Economic and Social Affairs, Population Division, 29United Nations Department of Economic and Social Affairs, Population Division, World Fertility and Family Planning 2020: Highlights](#)

²⁶ Abbasi, Mahmoud & Shamsi-Gooshki, Ehsan & Allahbedashti, Neda. (2014). Abortion in Iranian Legal System: A Review.. Iranian journal of allergy, asthma, and immunology. 13. 71-84.

²⁷ SHAHBAZI S., FATHIZADEH N. & TALEGHANI F. (2009)Illegal abortions in Iran: a qualitative study. Journal of Advanced Nursing doi: 10.1111/j.1365-2648.2009.05246.x

²⁸ Abbasi, Mahmoud & Shamsi-Gooshki, Ehsan & Allahbedashti, Neda. (2014). Abortion in Iranian Legal System: A Review.. Iranian journal of allergy, asthma, and immunology. 13. 71-84.

C. Take measures to increase the allocation of public funds to improve the health situation of inhabitants of remote areas, focusing in particular on the health infrastructure

There are no reports of measures being taken to increase public funds with the aim of improving the situation of healthcare delivery in rural areas of Iran. Iran's more remote regions have notoriously suffered from a lack of government funding for healthcare and education programs.²⁹ In particular, regions inhabited by ethnic minorities such as Kurdistan and Sistan and Baluchistan have registered issues such as under-provision of clinics, illnesses caused by industrial pollution and high overall mortality rates.³⁰

Recommendation Status:

This recommendation has **NOT** been implemented.

²⁹ Minority Rights Group: <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

³⁰ Ibid.