

Concluding Observation Committee on the Rights of the Child CRC/C/IRN/CO/3-4 para 60c

Full Recommendation:

Ensure that those responsible for the approval of forced and child marriage, including judges, parents, guardians, and religious or traditional leaders, are held accountable.

Assessment using Impact Iran human rights indicators¹

The law in the Islamic Republic of Iran (“Iran”) continues to permit child marriage by stipulating that the legal minimum age for marriage is 13 years old for girls and 15 years old for boys.² However, children who have reached puberty can marry with parental consent and court approval.³ In Iran, the predefined age of puberty and the age of legal majority is 9 years old for girls and 15 years old for boys.⁴ Marriage before a child reaches puberty is criminalized in accordance with Article 50 of the Family Protection Act⁵ and is punishable under Article 646 of the Islamic Penal Code of 2013.⁶

Child marriage is a significant issue within Iran. 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 years old, including 209 marriages involving girls under the age of 11.⁷ However, the number is likely to be higher as many child marriages are unregistered.⁸

During its last Universal Periodic Review (“UPR”) in November 2019, the Government of Iran stated that a bill entitled “Protection, Dignity and Security of Women against Violence” would be “aimed at criminalizing new forms of assault, harassment and violations of the rights of

¹ CCPR.23.2.S.1., CCPT.23.3.S.1; CCPR.23.3.P.1., CCPR.23.2.P.1; CCPR.23.3.O.1., CCPR.23.4.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, <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 Article 146 and 147 of the Islamic Penal Code: <<https://shenasname.ir/subjects/salamat/1571-mojazat92>>

⁵ The Family Protection Law, adopted on Feb 19, 2013: <<https://shenasname.ir/subjects/family/1470>>; Universal Periodic Review, Iran, 2019, <<https://undocs.org/A/HRC/43/12>>

⁶ Islamic Penal Code: <<https://shenasname.ir/subjects/salamat/1571-mojazat92>>

⁷ Report of the Secretary General, Situation of Human Rights in the Islamic Republic of Iran, 2020, para 37 <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> and See <www.sabteahval.ir/avej/tab-1499.aspx> (in Farsi)

⁸ Report of the Secretary General, Situation of Human Rights in the Islamic Republic of Iran, 2020, para 37 <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>

women and adopting preventive and support measures to stop violence against women.”⁹ Reportedly, the bill would also prohibit forced and early marriage for girls under 18 years old.¹⁰ The most recent version of the bill does not change the current application of the Civil Code in regards to early marriage.¹¹

The bill was approved by the Iranian Government in January 2021. Yet, before it becomes legally binding, the bill must still be approved by the Parliament and the Guardian Council, thus it is unclear what its eventual effect may be.

During its 2019 UPR, the Government of Iran noted that forced marriage is prohibited under Article 1062 of the Civil Code and Article 646 of the Islamic Penal Code.¹² Yet with a court’s permission, a legal guardian has the right to legally enter a child daughter into a compulsory marriage, regardless of whether she gives free and informed consent to the marriage.¹³ Such practice amounts to forced marriage if either spouse does not give free and informed consent. Additionally, virgin girls and women above the age of 13 years old, who are marrying for the first time, are legally required to have their father’s or paternal grandfather’s permission for the marriage.¹⁴

The Government of Iran has stated that when a case of forced marriage is reported to the Judiciary and a case is filed, the forced marriage can be dissolved in accordance with the Civil Code provisions and those who forced the marriage are prosecuted.¹⁵ However, underage children, those under 18 years old, lack access to redress and legal recourse as they cannot file lawsuits without the representation of their legal guardian.¹⁶ Further, a girl or woman only has permission to leave the marital house without her husband’s consent if she is able and willing to prove to a court that she faced a significant risk of bodily harm or threat to her life and safety.¹⁷ Such provision deprives women and girls from legal and social protection when they attempt to

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, 4 October 2015: <<https://bit.ly/2youDGX>>

¹¹ <https://shenasname.ir/laws/7023>

¹² Universal Periodic Review, 2019, Reply of the Islamic Republic of Iran, <<https://undocs.org/en/A/HRC/43/12/Add.1>>

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

¹⁴ NGO Submission Committee on the Rights of the Child, 2016, <https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/IRN/INT_CRC_NGO_IRN_19809_E.pdf>

¹⁵ Universal Periodic Review, 2019, Reply of the Islamic Republic of Iran, <<https://undocs.org/en/A/HRC/43/12/Add.1>>

¹⁶ Suuntaus Project, Finnish Immigration Service- Country Information Service, ‘Violence against women and honour-related violence in Iran’, 26 June 2015, <http://www.migri.fi/download/61597_Suuntaus-raportti_VakivaltaIran_finalFINAL_kaannosversio_EN.pdf?96fa691925bfd288>

¹⁷ Article 1117 of the Civil Code. Amnesty International, 2015, <<https://www.amnesty.org/download/Documents/MDE1311112015ENGLISH.pdf>>

leave a forced marriage, and girls have been reportedly brought back to their parents after they ran away.¹⁸

In 2016, the Committee on the Rights of the Child recommended that Iran “expeditiously establish” a specific mechanism for monitoring children’s rights capable of receiving, investigating and addressing complaints by children in a child-sensitive manner,¹⁹ which could include complaints of forced marriage. As of February 2021, there is no readily available official information that might indicate efforts to create such a mechanism to investigate and address complaints of forced marriage.

As long as Iran’s domestic laws permit forced and child marriages, without a complete legal prohibition and associated means of enforcement, those responsible for approving such marriages, whether they be judges, parents, guardians, and religious or traditional leaders, will not be held accountable for their actions.

Recommendation Status:

This recommendation has **NOT** been implemented.

¹⁸ Suuntaus Project, Finnish Immigration Service- Country Information Service, ‘Violence against women and honour-related violence in Iran’, 26 June 2015, <http://www.migri.fi/download/61597_Suuntaus-raportti_VakivaltaIran_finalFINAL_kaannosversio_EN.pdf?96fa691925bfd288>

¹⁹ CRC/C/IRN/CO/3-4, para. 22 <<https://undocs.org/en/CRC/C/IRN/CO/3-4>>