

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

Full recommendation

Review its legislation with a view to banning polygamy, which is contrary to women's and girls' dignity and infringes their human rights and freedoms, including equality and protection within the family.

Assessment using Impact Iran human rights indicators¹

The Iranian legal framework does not explicitly prohibit polygamy. However, Iranian law is mostly based on *Sharia* law, under which polygamy is allowed and men can have up to four permanent wives.²

Additionally, according to *Sharia* law, men are allowed to enter in temporary marriages (*Sigheh*). In such circumstances, a man (married or not) can marry a woman (necessarily unmarried) for a limited period of time without having to register the union. There is no limitation as to the number of temporary marriages a man can enter, and the duration of such unions can last up to 99 years.³

While the Civil Code does not explicitly prohibit or permit polygamy, the wording of a number of provisions suggest that polygamy is effectively allowed. For example, Article 900 which deals with the right to inheritance, refers to "spouse" and "spouses". In Article 942, "spouse" is followed by "spouses". Additionally, while Article 1304 stipulates that "any woman who is free from" obstacles to marriage "may be proposed to", this provision does not exist for men, suggesting that, for men, an existing marriage may not be considered as an obstacle for a new marriage.

According to an opinion issued by the "Legal Deputy of the Judiciary", Articles 16 and 17 of the Family Protection Law, which was adopted before the 1979 revolution, are still considered valid.⁴ According to Article 16 of that pre-revolutionary law, already married men can remarry with the "permission of the court". As a consequence, in effect, the current Iranian legal framework does not prohibit polygamy.

¹ CCPR.3.1.S.1

CCPR.3.1.P.1

² < <http://vasael.ir/fa/news/15174/> >

³ < <https://www.tabnak.ir/fa/news/710888/> >

⁴ Issued on May 14, 2013: < <https://www.ekhtebar.com/?p=4160> >; < <https://www.hamshahrionline.ir/news/462911/> >

Further, the practice of polygamy has been actively promoted in Iran, including within religious communities⁵ and through public events.⁶

Recommendation Status:

This recommendation has **NOT** been implemented.

⁵ < <https://www.irna.ir/news/83577562/> >

⁶ < <https://www.mojnews.com/fa/tiny/news-303751> >