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IMPACT IRAN



Alternative Report to the

Human Rights Committee

From

All Human Rights for All in Iran

Siamak Pourzand Foundation

Impact Iran

In preparation for the List of Issues prior to Reporting (LOIPR) for the

ISLAMIC REPUBLIC OF IRAN

Discrimination and violence based on gender

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All Human Rights for All in Iran is a non-governmental organization established in 2017, and based in Austria. All Human Rights for All in Iran is working with Iranian partners to try to draw international attention to the human rights situation in the Islamic Republic of Iran, at the local, regional, national, and international levels.



The Siamak Pourzand Foundation (SPF) promotes freedom of expression for artists, journalists, women and human rights defenders in contexts where the censorship apparatus is hard at work. Further, it curates collaborative platforms and alternative media to empower marginalized communities such as religious minorities and ethnic groups struggling against censorship and repression. SPF is a member of Impact Iran.

IMPACT IRAN

Impact Iran represents a coalition of 17 non-governmental organizations that draw attention to the situation of human rights in Iran, and encourage the Iranian government to address concerns expressed by the international community and international human rights bodies. We organize public advocacy campaigns aimed at the UN member states and lead high-level human rights discussions to collectively spark action by the international community to promote and protect the rights and dignity of all in Iran.

This submission is intended to update and replace Section IV) *Women's and Girls' Rights* from our previous submission to the Human Rights Committee ahead of the then scheduled adoption

of the list of issues prior to reporting of the Islamic Republic of Iran. This submission from August 2022 can be found here:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FICS%2FIRN%2F55686&Lang=en

This submission updates and replaces only Section IV of this initial report, and the rest of the submission (Section I - Human Rights of Religious Minorities, Section II – Human Rights of Ethnic and Linguistic Minorities, Section III – Human Rights of Lesbian, Gay, Bisexual and Trans persons) remains unchanged and is still submitted to the attention of the Committee ahead of the review of the Islamic Republic of Iran.

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WOMEN'S AND GIRLS' RIGHTS

1. The Iranian Constitution includes several provisions that obligate the government to guarantee equality for all, including non-discrimination between men and women.¹ While these provisions seemingly safeguard the human rights of women and protect against sex and gender-based discrimination, such legal guarantees only exist insofar as they are in conformity with the “Islamic criteria,” a vague requirement with no definition under Iranian law. The room for interpretation allowed under the “Islamic criteria” qualifications to legal guarantees of non-discrimination have often resulted in provisions that discriminate or have a discriminatory impact on various grounds, including sex and gender.

A) Women's participation in public and political life

2. In 2011, the Human Rights Committee recommended that Iran take steps to increase the number of women in decision-making and judicial bodies at all levels and in all areas.²
3. Women have a limited presence in decision-making bodies in the country:
 - Women are completely prohibited from holding the position of Supreme Leader.
 - Candidates for the presidency in Iran must be what the Constitution refers to as *Rajol-E-Siasi* (“political men”).³ Though some argue that the phrase as a whole could be understood as “political persons,” without a specification as to gender, the Guardian Council of the Constitution, a body of Islamic and Constitutional law jurists responsible for vetting candidates for elections, has never approved a woman to stand in presidential elections or elections to the Assembly of Experts.⁴
 - Additionally, no woman has ever served on the Guardian Council.⁵
 - Nor on the Expediency Council.⁶
4. There are no legal limits on the ability of women to vote or become a candidate for parliament or the City and Village Councils. However, the Guardian Council is known to arbitrarily

¹ Article 20 of the Constitution emphasizes that all people of the nation, both men and women, are equally protected by law, and enjoy all human, political, economic, social and cultural rights, in accordance with “Islamic standards.” Article 21 of the Constitution obliges the government to guarantee the rights of women in all respects, in accordance with “Islamic standards.”

² Human Rights Committee, *Concluding observations: Islamic Republic of Iran*, 29 November 2011, CCPR/C/IRN/CO/3, para. 8

³ Art 115, Constitution of Iran.

⁴ The Assembly of Experts is a constitutional body with authority to appoint or dismiss the Supreme Leader. It is a 88-member body, elected by direct popular vote, among candidates vetted by the Guardian Council.

⁵ The Guardian Council is a body mandated to 1) bring parliamentary resolutions in line with Constitutional and Islamic law, 2) supervise elections and 3) vet candidates seeking to run in local, parliamentary, presidential and Assembly of Experts elections. The Guardian Council composed with 12 members, six constitutional law experts elected by the Parliament and six experts of Islamic law appointed by the Supreme Leader.

⁶ The body, whose members are all appointed by the Supreme Leader, was initially established as an arbitration body between parliament and the Guardian Council. The body serves as the Supreme Leader's advisory arm, formulating “general policies for the state” and overseeing the implementation of those policies on the behalf of the Supreme Leader.

disqualify women candidates from running for election. For example, in the run-up to the 2020 elections, the Guardian Council disqualified 60 percent of women candidates.

5. There are several mechanisms that ostensibly accept complaints regarding violations of individuals' rights, including the right to participate in elections without discrimination, such as the Article 90 Commission of the parliament (established based on Article 90 of the Constitution, offering a mechanism to citizens to file complaint against any of three branch of power) and the Oversight Bodies for the exercise of Citizenship Rights in the country's provincial courts. However, there is no evidence to suggest that complaints to these bodies are independently reviewed and investigated. Regarding complaints related to election process or candidate vetting, election law designates the Guardian Council as the arbitrator, which itself is the body responsible for the impugned decisions.
6. There are currently no female ministers in the Government's cabinet. No provincial governors are women. Former President Hassan Rouhani's government appointed three women as "county governor" out of 430 positions across the country.⁷ However, all three of them were replaced by current President Ebrahim Raisi. As of September 2023, only one woman was serving as Vice-President (Women and Family Affairs), and another one as county governor in the current government⁸.
7. Women currently occupy only 5.8 percent (16 out of 290) of parliamentary seats in the new parliament elected in February 2020, compared to 17 percent in the previous parliament.⁹
8. The percentage of women candidates who registered to run in the February 2020 city councils election increased from 6.3 in 2016 to 8 percent. The number of women elected in city and village councils increased from 4029 to 5990 following the 2020 election.¹⁰

B) Women in the judiciary

9. Under Iranian law, women cannot be appointed as judges. This rule is based on an interpretation of *Shari'a* according to which judging is done only by men, and women cannot issue rulings.¹¹ While women can hold the position of 'legal advisers,' a role which allows them to oversee case proceedings or sit on three-person Appeals Court panels, they cannot render final verdicts, which must be signed by a judge.¹² According to statements issued by the Deputy of Human Resources of the Judiciary, Alireza Amini, in October 2017, there were about 1,000 women legal advisers in the Iranian judiciary, who hold positions in family courts, appeals courts and the Supreme Court. Again, these positions are advisory and have no decision-making power.¹³ In its National Report to the Universal Periodic Review in 2019, the Government reported that "more than 970 female judges work in the Judiciary"¹⁴ while the total number of

⁷ Executive rankings at the provincial level: 1) Governor, 2) County Governor, 3) District Governor, 4) Village President.

⁸ <https://www.donya-e-eqtesad.com/fa/tiny/news-3837523>

⁹ <https://newspaper.hamshahrionline.ir/id/104282/>

¹⁰ <https://irna.ir/xjD4b9>

¹¹ The law of conditions for the election of judges of the judiciary: <https://rc.majlis.ir/fa/law/show/90547>

¹² The law of conditions for the election of judges of the judiciary: <https://rc.majlis.ir/fa/law/show/90547>

¹³ See; <http://www.iribnews.ir/009NnJ> ; and <https://www.yjc.ir/00QghG>

¹⁴ UPR 2019, National Report, Islamic Republic of Iran, <https://undocs.org/A/HRC/WG.6/34/IRN/1>

10. In its State party's report to the Human Rights Committee, Iran's Government shared the number of women employed as "administrative staff of the Judiciary" with a total number indicating 1077.¹⁶ As highlighted above, and as suggested by "administrative staff", women can only be employed in advisory or assisting positions in the Judiciary, and do not have decision-making power whatsoever.

12. The Charter on Citizen's Rights, adopted under Rouhani's administration in 2016, contains provisions according to which women should "have active and effective participation in policymaking, legislation, management, implementation and supervision, and shall be provided equal social opportunities in accordance with Islamic norms."¹⁸ However, the Charter is not a legally binding instrument and is not enforceable. As of September 2023, there is no evidence that awareness campaigns or special training programs to improve the number of women in decision-making and judicial bodies were designed or implemented.

- *Take all constitutional, legislative and administrative measures and remove existing barriers to ensure in law and practice women's equal access to political offices, to all positions within the judiciary and public sector, without discrimination, and promote greater participation of women in all aspects of public and political life, including with decision-making positions*

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- (a) abolish the requirement for a father's or paternal grandfather's approval to legalize a marriage;
- (b) grant women equal rights to divorce;
- (c) award equal custody rights to the mother, including after a child reaches the age of seven or if she remarries;
- (d) award guardianship of a child to the mother in the case of the father's death;
- (e) grant women the same inheritance rights as men;
- (f) remove the legal obligation for a woman to be obedient to her husband;
- (g) remove the requirement for a husband's approval when a woman intends to leave the country;
- (h) prohibit polygamy;
- (i) remove the power of a man to prohibit his wife from entering employment.
- (f) give Iranian women the right to transmit their nationality to their children.¹⁹

14. As of September 2023, the State has taken action on just one of the Committee's recommendations: in 2019 the State amended the Civil Code to give Iranian women who are married to non-Iranian men the right to transmit their nationality to their children under certain conditions. However, Iranian women and men are still not on equal footing with respect to their ability to confer nationality - men, regardless of the nationality of their wife, can automatically pass their nationality to their children. By contrast, women married to a non-national must apply to pass nationality to children and a security check must be done by the Ministry of Intelligence.
15. In November 2021 the Guardian Council ratified the 'Youthful Population and Protection of the Family' law²⁰, which aims to boost the country's fertility rate in Iran. The law has been denounced by UN experts as being clearly in "contravention of international law," violating "the rights to life and health, the right to non-discrimination and equality, and the right to freedom of expression." Art. 61 of the new law vaguely stipulates that, if carried out on a large scale, abortion would fall under the crime of "corruption on earth" and would carry the death penalty.²¹
16. As of September 2023, Iran's Parliament was in the final stages of adopting the "Bill to Support the Family by Promoting the Culture of Chastity and Hijab." On August 13, 2023, the Parliament voted in favor of invoking Article 85 of the Constitution, which allows a parliamentary

¹⁹ Human Rights Committee, *Concluding observations: Islamic Republic of Iran*, 29 November 2011, CCPR/C/IRN/CO/3, para. 9

²⁰ <http://nazarat.shora-rc.ir/Forms/frmShenasname.aspx?id=Bffc3DPSti0=&TN=17tLyhyOobj0SooAFUE3m68PnpG7MrnN>

²¹ <https://www.ohchr.org/en/press-releases/2022/01/iran-repeal-crippling-new-anti-abortion-law-un-experts?LangID=E&NewsID=27817>

committee to review legislation without public debate. As of September 2023, the Parliament was deliberating behind closed doors on the modalities of the drafts' experimental implementation. Following this phase, the Guardian Council will conduct a Constitutional and Islamic law review of the draft. Once endorsed by the Guardian Council, the draft will return to the Parliament for its conclusive approval. UN experts have expressed grave concerns over this draft bill, which "could be described as a form of gender apartheid, as authorities appear to be governing through systemic discrimination with the intention of suppressing women and girls into total submission."²² The draft notably introduces new provisions and criminal punishments for women and girls who do not comply with the compulsory veiling laws and other overbroad and vaguely defined dress requirements, and increases the severity of penalties of pre-existing related offenses. As proposed, the draft compels women and girls to adhere to the dress requirements, or see themselves facing severe repercussions, ranging from being denied employment opportunities, access to public services such as education and healthcare, and essential commodities, to passport confiscations, exorbitant fines, and incarceration. The draft relies extensively on state authorities but also requires private actors such as commercial establishments, offices, and companies to participate in the enforcement of the law and implement its sanctions. Doing so, the draft in effect moves away from legal proceedings and increases the pervasiveness of the regime of punishments, expectedly resulting in the social and economic paralysis of women and girls not complying with the compulsory veiling laws. The draft mentions the need for broader gender segregation in city planning (e.g., public beaches, urban spaces), public transport, universities, administrative centers, educational institutions, parks, tourist locations, and hospital treatment sections.²³ Already in April 2023, the UN experts had expressed alarm at the repressive enforcement of Iranian hijab laws, which they view as a manifestation of gender-based persecution.²⁴ State authorities have been using extensive surveillance cameras and face-recognition technology to monitor adherence to dress requirements, which observers have described as a method designed to enforce compliance through fear.²⁵

Suggested recommendations:

- *With reference to the previous concluding observation paragraph 9, urge Iranian authorities to amend the Civil Code to eliminate all provisions that discriminate against women and girls, including in all matters already listed in 2011*
- *Fully align the ability for Iranian women to pass their nationality to their children with that of Iranian men, by removing the discriminatory procedure created by the 2019*

²² <https://www.ohchr.org/en/press-releases/2023/09/irans-proposed-hijab-law-could-amount-gender-apartheid-un-experts>

²³ <https://www.hra-iran.org/en/wp-content/uploads/2023/09/English-Final-reoprt-hijab-bill-.pdf>

²⁴ <https://www.ohchr.org/en/press-releases/2023/04/repressive-enforcement-iranian-hijab-laws-symbolises-gender-based>

²⁵ <https://www.article19.org/resources/iran-tech-enabled-hijab-and-chastity-law-will-further-punish-women/>

amendment of the Civil Code and making nationality passage automatic irrespective of the gender of the parent.

- *Repeal or profoundly amend the 'Youthful Population and Protection Family' law to ensure that women and girls' sexual and reproductive rights are respected, including their freedom of expression, access to information, association and their right to privacy and to equality before the law in relation to sexual and reproductive health and rights, free from fear and risk of prosecution*
- *Withdraw the draft "Bill to Protect the Family by Promoting the Culture of Chastity and Hijab," and repeal all legislative provisions and administrative regulations mandating discriminatory compulsory dress code that apply only to one gender, such as compulsory veiling laws. Take all measures to immediately put an end to policies, regulations and other measures adopted to enforce these discriminatory laws, including by immediately ordering law-enforcement agencies to stop enforcing them*

E) Criminalization of domestic violence

17. In 2011, the Committee recommended that Iran adopt a legislation criminalizing domestic violence and take steps to effectively combat domestic violence. It also recommended that acts of domestic violence be effectively investigated and that perpetrators be prosecuted and sanctioned²⁶.
18. Iran does not have any laws which specifically criminalize domestic violence. Cases of domestic violence can be prosecuted as crimes of bodily assault. Rape is not classified as a distinct crime under Iranian law, but is considered as a crime of *zina* (sexual relations outside of marriage) without consent.²⁷ The legal definition for 'coerced *zina*' 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.²⁸ Beyond rape, no other form of sexual assault is specifically criminalized under the Islamic Penal Code.
19. Moreover, numerous articles in the country's Civil Code actively undermine the already severely limited legal protections for women against domestic violence:
 - Article 630 of the Islamic Penal Code (2013) exempts husbands from criminal liability and *qisas* (retribution in kind) if he commits murder, assault and/or battery against his wife if the husband catches their wife committing a *zina* offence (adultery) with another man.²⁹

²⁶ Human Rights Committee, *Concluding observations: Islamic Republic of Iran*, 29 November 2011, CCPR/C/IRN/CO/3, para. 11

²⁷ Article 221 of the Islamic Penal Code (2013), Iran Human Rights Documentation Centre, <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

²⁸ Iran Human Rights Documentation Center, 2020, <https://iranhrdc.org/access-to-justice-for-victims-of-sexual-violence-in-iran/>

²⁹ Islamic Penal Code, English Translation, Iran Human Rights Documentation Center, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

There are also exemptions in the Islamic Penal Code for fathers and grandfathers who kill their children.³⁰

- Article 1105 of Iran's Civil Code states that "in relations between husband and wife, the position of the head of the family is the exclusive right of the husband." 'Disobedience' to the husband can be used as a legal ground for battery.³¹
- Article 1117 forbids a woman from leaving the matrimonial home without the husband's permission³² unless she is able and willing to go to court to prove she is endangered. This leaves Iranian women deeply vulnerable to violence especially given the evidentiary requirement of witnesses³³ and the fact that a female witness's testimony is worth half that of a man's.³⁴
- Article 1108 stresses that if a wife refuses to have sex with her husband without a 'legitimate excuse,'³⁵ she is not entitled to 'spousal maintenance.' Although the legal minimum age for marriage is 13 years old under Iranian law,³⁶ girls as young as 9 lunar years (around 8.5 calendar years) can marry, subject to parental consent and court approval.³⁷ Therefore, 9 lunar years old married girls and older are also subject to the Civil Code Article 1108's obligation to fulfil the sexual needs of their husbands. 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 "might even condone sexual abuse".³⁸
- There is a dearth of recent, official data on the prevalence of domestic violence in Iran. The last official and published study on domestic violence carried out in Iran dates back 2004. The study showed that about 66 percent of women sampled responded that they had been subjected to domestic violence in the first year of their marriage.³⁹ Despite the lack of

³⁰ Islamic Republic of Iran, Islamic Penal Code, Article 301

³¹ Iran Human Rights Documentation Centre https://iranhrdc.org/wp-content/uploads/pdf_en/LegalCom/Womens_Rights_Commentary_389929723.pdf

³² Article 1114 outlines that, "the wife must stay in the dwelling that the husband allots for her unless such a right is reserved to the wife."

³³ Victims wishing to file a complaint for domestic violence must present two adult male witnesses. "The standard [of proof] for testimony in all offences shall be two male witnesses; unless in zina, livat, tafkhiz, and mosaheqeh which shall be proved by four male witnesses" Article 199 of the Islamic Penal Code (2013), Iran Human Rights Documentation Center, 2020, <https://iranhrdc.org/access-to-justice-for-victims-of-sexual-violence-in-iran/>

³⁴ Islamic Penal Code, 2013, Articles 74, 75 199, English Translation, Iran Human Rights Documentation Center, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-one-book-two/>

³⁵ A reasonable and valid excuse for a wife to refuse sexual relations is when the husband has contracted a venereal disease. Iran Human Rights Documentation Centre, https://iranhrdc.org/wp-content/uploads/pdf_en/LegalCom/Womens_Rights_Commentary_389929723.pdf

³⁶ Article 1041 of the Civil Code as amended up until December 2000, NGO 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

³⁷ Iran Human Rights Documentation Centre, https://iranhrdc.org/wp-content/uploads/pdf_en/LegalCom/Womens_Rights_Commentary_389929723.pdf

³⁸ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 2017, <https://www.refworld.org/docid/58bd7e2b4.html>

³⁹ The study was undertaken by the Women's Centre for Presidential Advisory, the Interior Ministry and the Ministry of Higher Education of the Islamic Republic of Iran and published in 2004. The study was conducted based on questionnaires and only main cities were visited. Moradian, A., Domestic Violence against Single and Married Women in Iranian Society, The Chicago School of Professional Society, August 2009 <https://iranian.com/2009/09/10/domestic-violence-against-single-and-married-women-in-iranian-society/> ; Ceasefire Centre for Civilian Rights, Centre for Supporters of Human Rights and Minority Rights Group International September 2019,

comprehensive official data, cases of domestic violence are regularly reported and considered widespread in the Islamic Republic of Iran. In July 2019, the head of the Medical Examiner's Office of Tehran Province reportedly announced that more than 16,420 cases of domestic violence had been reported to the office, a number consistently increasing since at least 2017.⁴⁰ In February 2019, deputy of social affairs of the State's Welfare Organization, Habibollah Massoudi Farbod, reportedly announced that during 2018, about 10,000 calls relating to violence against women were made to the public social welfare hotlines.⁴¹ In April 2020, Mahmoud Aligoo, the head of the department of social harms of the State's Welfare Organization reportedly announced a dramatic increase in the number of cases of domestic violence, as Iran was going through a government-mandated lockdown to combat the spread of the virus COVID-19.⁴² Yet, cases of domestic violence are believed to be largely underreported.

20. As of September 2023, the Bill for the Protection, Dignity and Security of Women Against Violence, first announced in 2011, was still going through its adoption process. In January 2020, the U.N. Secretary General had already 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." The Parliament adopted on April 11, 2023 the general content of the draft. MPs can now register proposals on the details of the bill, which will then go through a review article by article (currently 57 articles) in plenary session. It is unclear when such review will take place.⁴³

F) Protection and redress for victims of domestic violence

21. In 2011, the Committee recommended that Iran ensure that victims of domestic violence have access to means of redress and protection, including a sufficient number of safe houses for victims.⁴⁴
22. In his July 2020 report, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran counted only 28 shelters for women victims of domestic violence, including 20 run by non-governmental organizations.⁴⁵ According to the Government, "between 2015 and 2018, an average of 1,500 women, victims of domestic violence and their

<https://www.justice.gov/eoir/page/file/1203136/download> ; See also <https://www.isna.ir/news/8307-07024/> - نتایج طرح- A ملی بررسی خشونت خانگی علیه زنان در 28 استان- اعلام

⁴⁰ Human Rights Activists News Agency, 2019, <https://www.en-hrana.org/increase-in-domestic-violence-in-tehran-more-than-16-thousand-cases-were-filed>

⁴¹ Human Rights Activists News Agency, 2020, <https://www.en-hrana.org/domestic-violence-increased-during-coronavirus-quarantines-and-stay-at-home-orders>

⁴² Human Rights Activists News Agency, 2020, <https://www.en-hrana.org/domestic-violence-increased-during-coronavirus-quarantines-and-stay-at-home-orders> ; IRNA, 2020, <https://bit.ly/2VRztcz>

⁴³ <https://www.ekhtabar.ir/?p=77544> ; <http://www.yjc.ir/00ZHvP> ; <https://www.isna.ir/news/1401112519101/>

⁴⁴ Human Rights Committee, *Concluding observations: Islamic Republic of Iran*, 29 November 2011, CCPR/C/IRN/CO/3, para. 11

⁴⁵ See www.irna.ir/news/83656641/ ; Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, July 2020, <https://undocs.org/A/75/213>

children, received specialized services, annually.”⁴⁶ In comparison and as aforementioned, 16,420 cases of domestic violence have been reported in 2019, just in Tehran.⁴⁷

23. Existing domestic violence shelters are generally located solely in major cities, are reportedly poorly resourced and advertised and unable to provide long-term support. Some are designed for sex workers and drug users rather than domestic violence victims while others reportedly focus heavily on reconciling and reuniting victims with their abusive spouses.⁴⁸
24. Public shelters managed by the government only receive women for one month and children are taken from the mothers upon their arrival. Women who are victims of violence are not automatically provided with defense lawyers and must themselves prove the violence suffered or engage a lawyer at their own expense.

G) Impunity for killing in cases of adultery

25. In relation to so-called “honor killings”, the Committee recommended that Iran ensure that a husband is not exempted from punishment for voluntary manslaughter, in the event that he murders his wife on suspicion of adultery.⁴⁹
26. The Islamic Penal Code provides various exemptions for husbands, fathers and grandfathers who kill or assault their female relatives. Article 630 of the Islamic Penal Code (2013) exempts husbands from criminal liability and *qisas* if he commits murder, assault and/or battery against his wife, if the husband catches their wife committing a *zina* offence (adultery) with another man. There also exist exemptions in the Islamic Penal Code for fathers and grandfathers who kill their children.⁵⁰ Moreover, adultery can be sentenced with the death penalty in Iran, including the death penalty by stoning.⁵¹

Suggested recommendation

- *With reference to past recommendations from the Committee, urge Iran to repeal legislative provisions that allow for husbands and father to dispose of the life of their wife and daughters and be exempted from punishment in the event of murder, assault, battery and any form of violence against their wife or daughter, including by profoundly revising Art. 630 of the Civil Code, and adopt a comprehensive law criminalizing domestic violence, in line with international standards, provide resources and an institutional framework to enforce this law, raise public awareness about the need to eradicate domestic and gender-based violence and ensure that victims of domestic and gender-based violence have access to shelter, protective measures and effective remedies*

⁴⁶ UPR 2019, National Report, Islamic Republic of Iran, <https://undocs.org/A/HRC/WG.6/34/IRN/1>

⁴⁷ Human Rights Activists News Agency, 2019, <https://www.en-hrana.org/increase-in-domestic-violence-in-tehran-more-than-16-thousand-cases-were-filed>

⁴⁸ 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>

⁴⁹ Human Rights Committee, *Concluding observations: Islamic Republic of Iran*, 29 November 2011, CCPR/C/IRN/CO/3, para. 11

⁵⁰ Islamic Penal Code, 2013, Art. 301

⁵¹ Islamic Penal Code, arts. 221-32.

H) Trafficking of women and children and modern slavery

27. In 2011, the Committee recommended that Iran take steps to combat and prevent the trafficking and sale of persons under 18 years of age and requested that Iran provide statistics on the number of arrests and convictions under the 2004 law to combat trafficking.⁵²
28. Since 2004, Iran criminalises the trafficking of persons by means of threat or use of force or coercion, abuse of power, abuse of a victim's position of vulnerability for purposes of prostitution, slavery or forced marriage.⁵³ Penalties can reach up to 10 years imprisonment for perpetrators.⁵⁴
29. The Judiciary drafted a bill to amend the law which, as of September 2023 , was under parliament's review. The draft bill includes higher penalties for crimes of human trafficking involving children, adolescents, women, persons with disabilities, victims of floods and earthquakes, and for cases where the perpetrator is the legal guardian of the victim. ⁵⁵ The current draft also exempts women, children, and adolescents who have been trafficked by their husbands or legal guardians from criminal liability for the illegal crossing of the border.⁵⁶
30. The current draft, if adopted, does not amend the 2004 law's definition of trafficking, which is currently inconsistent with international law. For instance, the law and the draft do not protect persons against all forms of trafficking as defined under the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.⁵⁷ The draft also does not address the absence of an independent mechanism mandated to monitor acts of human trafficking and that is competent to receive complaints from victims.
31. The State does not publish official and comprehensive statistics of victims of human trafficking, or numbers of investigations, prosecutions, convictions and sentences for perpetrators. However, reports suggest that human trafficking is an issue in Iran, and that it targets women and children in particular.⁵⁸
32. There are no national procedures or measures to proactively identify victims of trafficking in Iran. Additionally, while the State Welfare Organization provides some level of protection to victims of abuse, it does not offer special protection services to victims of trafficking, including special shelters or medical, psycho-social, and legal assistance.
33. Women victims of human trafficking face serious difficulties accessing justice in Iran. One of the reasons is that a woman's legal testimony is only given half the weight of that of a man. Furthermore, women victims of sexual abuse, including victims of sex trafficking, may face

⁵² Human Rights Committee, *Concluding observations: Islamic Republic of Iran*, 29 November 2011, CCPR/C/IRN/CO/3, para. 20

⁵³ <https://rc.majlis.ir/fa/law/show/94178>

⁵⁴ <https://rc.majlis.ir/fa/law/show/94178>

⁵⁵ <http://cabinetoffice.ir/fa/print/4997>

⁵⁶ <http://cabinetoffice.ir/fa/print/4997>

⁵⁷ https://www.ohchr.org/sites/default/files/Documents/Publications/FS36_en.pdf

⁵⁸ <https://www.radiofarda.com/a/Trafficking-in-Persons-Report-2018-iran/29327230.html> ;

http://shargh.jrl.police.ir/article_95328_95254e66a74f7c5ce3e74fe16f286e21.pdf

prosecution for act of adultery, defined as sexual relations outside of marriage under Iranian law and punishable by death.

Suggested recommendations:

- *With reference to the previous concluding observations (para. 20), amend the 2004 Law on human trafficking and revise the draft law currently under review to effectively prevent, address and punish human trafficking in line with international standards*
- *Set up an independent mechanism mandated to monitor acts of human trafficking and that is competent to receive complaints from victims*
- *Make publicly available detailed data about, victims of human trafficking, the number of arrests and convictions for human trafficking*

I) Forced, early and temporary marriage of girls

34. In 2011, the Human Rights Committee recommended that Iran eliminate discrimination on the basis of sex with regard to the minimum age for marriage, ensure that the minimum age complies with international standards and adopt measures to prevent forced, early and temporary marriage of girls.⁵⁹
35. 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.”⁶⁰
36. Child marriage continues to be permitted under Iranian law. The legal minimum age for marriage is 13 years old for girls and 15 years old for boys.⁶¹ However, younger children who have reached puberty can marry with parental consent and court approval.⁶² The predefined age of puberty under Iranian law, and the age of legal majority, is 9 lunar years for girls and 15 lunar years for boys.⁶³
37. In 2018, an amendment to Article 1041 of the Civil Code which would have banned marriage of girls under the age of 13 and raise the standard age of marriage for girls from 13 to 16 years old – while allowing earlier marriage with the legal guardian’s consent and legal permission – was rejected by the Parliament’s Committee for Judicial and Legal Affairs. The bill was sent back to the government for amendments and has been pending ever since. To justify the parliamentary judiciary commission’s rejection, its chairman, Mr. Allahyar Malkshahi, claimed that “there were

⁵⁹ Human Rights Committee, *Concluding observations: Islamic Republic of Iran*, 29 November 2011, CCPR/C/IRN/CO/3, para. 28

⁶⁰ CRC/C/IRN/CO/3-4, para. 27-28 <https://undocs.org/en/CRC/C/IRN/CO/3-4>

⁶¹ Article 1041 of the Civil Code as amended up until December 2000

⁶² Iran Human Rights Documentation Center, https://iranhrdc.org/wp-content/uploads/pdf_en/LegalCom/Womens_Rights_Commentary_389929723.pdf

⁶³ 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>

arguments in the field of medicine and psychology which have led to the rejection of the plan," according to media sources.⁶⁴

38. Under the official interpretation of *Shari'a* law in Iran, marriages (*Aghd* in Farsi) of girls as young as 9 lunar years are permitted, although such marriages cannot be officially registered, given the legal minimum age. Young girls are also subjected to temporary religious marriages in Iran, which do not have to be registered, known as *sigheh*. In some cases, such marriages is a way for impoverished families to obtain *shir-baha* (payment).
39. With the permission of the court, the legal guardian has the right to marry for, and on behalf of, a minor daughter - legally sanctioning forced marriage.⁶⁵ Iran's Government affirmed in 2019 that when a case of forced marriage is reported to the Judiciary and a judicial case is filed, the forced marriage can be dissolved and those who facilitated the forced marriage are prosecuted.⁶⁶ However, in law and practice, children lack access to legal recourse as they cannot file law suits without the representation of their legal guardian when under 15 years old.⁶⁷
40. Official data provided by the National Organization for Civil Registration shows that the number of child marriages is increasing each year in Iran.⁶⁸ Since the Committee's previous report, more than one million child marriages have reportedly been registered. Between 2018 and 2022, a total of 474,946 child marriages have been recorded. Among them, 458,566 marriages involved girls under 18, and 51,521 of them were 13 years old or younger.⁶⁹ In April 2023, the state-owned Statistical Centre of Iran reported over 20,000 child marriages with girls under the age of 15 between March and December 2022.⁷⁰ Numbers, however, are likely to be higher as many child marriages go unregistered.

Suggested recommendation:

- *Take all constitutional, legislative and administrative measures to raise the minimum age of marriage and to establish a single marriageable age for boys and girls, in line with Iran's international obligations under this Covenant and under the CRC, and to ensure that no marriage be entered into without the free and full consent of the intending spouses, and take measures to raise awareness about, prevent and eliminate forced, early and temporary marriage of girls in practice*

⁶⁴ Tasnim (2019), - تسنیم خبرگزاری - تسنیم اخبار - سیاسی اخبار - شومدی بازنگری "دختران ازدواج سن افزایش" طرح: ملکشاھی، <https://tn.ai/1941311>

⁶⁵ Iran Human Rights Documentation Center, https://iranhrdc.org/wp-content/uploads/pdf_en/LegalCom/Womens_Rights_Commentary_389929723.pdf

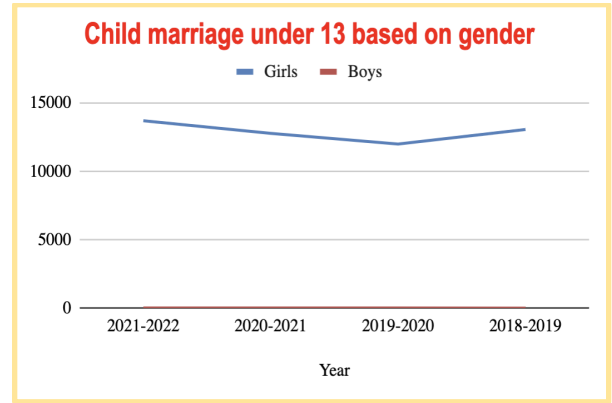
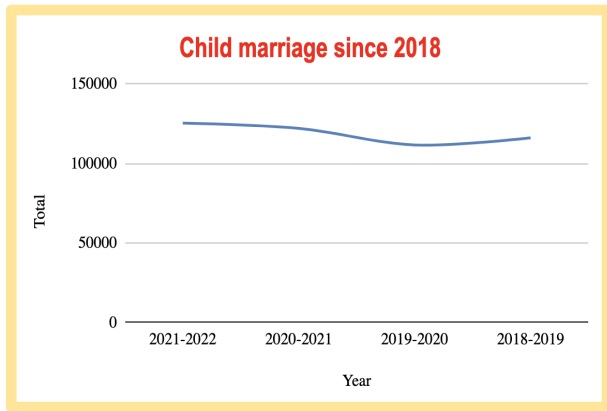
⁶⁶ Universal Periodic Review, 2019, Reply of the Islamic Republic of Iran, <https://undocs.org/en/A/HRC/43/12/Add.1>

⁶⁷ Islamic Penal Code, Book 2, arts. 146 and 147.

⁶⁸ The National Institution of Registry www.sabteahval.ir/avej/tab-1499.aspx

⁶⁹ <https://www.sabteahval.ir/avej/Page.aspx?mId=49826&ID=3256&Page=Magazines/SquareshowMagazine>

⁷⁰ <https://www.isna.ir/news/1402012814970/%D8%A7%D8%B2%D8%AF%D9%88%D8%A7%D8%AC-%D8%A8%D9%87-%D9%86%D8%A7%D9%85-%DA%A9%D9%88%D8%AF%DA%A9%D8%A7%D9%86-%D8%A8%D9%87-%DA%A9%D8%A7%D9%85-%D8%AF%D8%A7%D9%86%D9%88%D8%A7%D8%AF%D9%87>



WARNING: These graphs are to be read from right to left