

## Under Review: Girls and Women's Right in Iran

**During the first cycle of UPR on Iran, the Islamic Republic accepted at least ten recommendations that directly address the State's duty to protect women and girls' right to free and informed marriage.<sup>1</sup> Despite its response, the Islamic Republic has failed in its commitment to implement the relevant recommendations.**

### Early Marriages

*Stolen Lives, Empty Classrooms: An Overview on Girl Marriages in the Islamic Republic of Iran<sup>2</sup>* and its recent updates, provide statistics and gender-based policies that endorse infringements on dignity and autonomy of women and girls, including their right to free and informed consent to marriage at the legal age:

- According to the founding father of the Islamic Republic, sexual intercourse with wives below the age of 9 lunar years is not allowed. However, "other forms of sexual pleasure" including "rubbing penis between the buttocks and thighs... of even... a nursing baby" is permitted.
- Legal guardians can marry off girls below 13 and boys before 15 years of age pending a judge's approval.
- Article 27 of the Bill of Adopted and Neglected Minors legalises marriage between parents and adopted children. In Iran, every 15 minutes a girl between 10 and 14 years of age faces marriage.
- During the last 9 months of 2013 more than 30,000 girls below 15 years of age were forced to marry.<sup>3</sup>
- Girls who face marriage at an early age suffer from high rates of illiteracy, economic disparity, marital rape, mental, physical and sexual abuse and violence, high rates of chronic medical problems and infant mortality.

### **RECOMMENDATIONS**

Since the Islamic Republic is party to the International Bill of Rights and duty bound to protect and promote equal rights, JFI recommends that the Islamic Republic:

- Sign the Convention on Consent to Marriage, Minimum Age For Marriage and Registration of Marriage with no reservation.
- Take effective legal measures to hold accountable the judges directly responsible for the approval of forced child marriage cases as well as other private actors, including the guardian of the adopted child.
- Judicial authorities introduce national codes and laws to prohibit forced marriage and revise existing laws so to prohibit marriage with one's adopted child.
- Sign the Convention on Elimination of Discrimination against Women, and take effective measures to eliminate marriage with girls below the age of 18, parents or guardians with their adopted children, and provide reparation for victims of girl marriages.

<sup>1</sup> Recommendations by Chile, Estonia, Germany, Indonesia, Viet Nam, Austria, Bangladesh, Ireland, Qatar, Indonesia

<sup>2</sup> <http://justice4iran.org/english/issues/stolen-lives/>

<sup>3</sup> For more information please see a recent update by JFI available on-line at: <http://justice4iran.org/english/j4iran-activities/during-the-nine-months-of-2013-more-than-30000-girls-below-the-age-of-15-were-forced-to-marry/>

## Family Planning

During the first cycle of UPR on Iran, the Islamic Republic accepted at least ten recommendations that address the need to guarantee gender equality and protect women's right to health, including reproductive health.<sup>4</sup> Despite its response, the Islamic Republic has failed in its commitment to implement the relevant recommendations.

***Using Rights to do Wrong: Women's Reproductive and Domestic Labour at the Service of Nation-Building. Submission to the United Nations Working Group on Discrimination against Women in Law and in Practice***<sup>5</sup>, a shadow report by JFI highlights a range of new policies that reinforce Islamic Republic's highest authorities' stance regarding population policies and family planning that endorse infringements on dignity and autonomy of women and girls, as well as their right to health, education and work:

- Bill 315 on Comprehensive Population and Family Excellence Plan places restrictions on access to contraceptives and criminalises delivery of abortion-related medical services, measures that place greater restrictions on women's freedom to choose in cases of forced, unhealthy or unwanted pregnancies.
- Bill 446 on Increase Birth Rate and Prevent the Fall in Fertility Rate criminalises voluntary sterilisation procedures and vaguely prohibits family planning, violating Article 12 of the ICESCR.
- Both Bills enforce direct and de jure discrimination against women that restrict single women's access to educational opportunities by tripling student and home loans for married couples, access to employment by gender and marital status as well as offering selective welfare aids such as monetary incentives and housing benefits that favor marriage and multiple childbearing, and that encourage women to stay at home as mothers.

## **RECOMMENDATIONS**

Since the Islamic Republic is party to and duty bound by the International Bill of Rights, JFI recommends that the Islamic Republic:

- Withdraw in their entirety both Bill 466, which criminalizes the promotion, supply and use of tubectomy, vasectomy and other forms of contraception and voluntary sterilization, and Bill 315, which replaces the family planning programme currently in place with a scheme of intrusive and discriminatory provisions.
- Take all necessary measures to ensure women enter and remain in marriage on the basis of their free choice and full agreement, including by raising the age of marriage for girls to an age at which they can be expected to give free and informed consent, prohibiting the practice of polygamy, and giving men and women an equal right to divorce.
- Ensure equal treatment of women and girls in law by abolishing all policies that limit women's access to higher education through gender-based quotas and segregation on women or certain academic fields, limit access to employment through strategies and policies that perpetuate stereotypical notions of masculinity and femininity, or limit access to health through withholding or misrepresenting sexual and reproductive health education and services such as abortion, vasectomy, tubectomy or other forms of contraception.

---

<sup>4</sup> Recommendations by Chile, Estonia, Indonesia, Bangladesh, Brazil, Viet Nam, Austria, Bangladesh and Ireland

<sup>5</sup> <http://justice4iran.org/english/publication/submissions/using-rights-to-do-wrong-womens/>

## Sexual torture

During the first cycle of UPR on Iran, the Islamic Republic accepted at least eight recommendations that directly address the State's duty to eliminate all forms of torture, cruel, inhuman or degrading treatment and investigate, prosecute and punish violators.<sup>6</sup> Despite its response, the Islamic Republic has failed in its commitment to implement the relevant recommendations.

***Raped out of Paradise: Women in Prisons of the Islamic Republic of Iran***<sup>7</sup>, a research report by JFI highlights details the role of the highest state authorities including Islamic Republic Guard Corps and judiciary, and documents the range of sexual torture and abuse, as one area of violations of women's rights:

- Women prisoners of conscience are arrested for a number of reasons, including political affiliation, which can include affiliation with political opposition, women's rights activists, student bodies, NGOs, members or defenders of the lesbian, gay, bisexual and transgender community or defenders of the rights of religious minorities; individual activities related to journalism, the media, blogging and human rights advocacy; participation in demonstrations or other forms of activism; religious crimes, including affiliation with unrecognized minorities; and violations pertaining to laws linked to dress codes (hijab)
- Article 38 of the Islamic Republic Constitution forbids "all forms of torture"
- Forced confession to sexual promiscuity, striking genitals, sexual insults and offensive language, sex-based cruelty, forced cavity search and ignoring needs of pregnant women, young mothers and their children are forms of sexual torture in Islamic Republic prisons.
- In the 1980's prison authorities systematically raped many young female political prisoners prior to execution. The responsible officials were never brought to justice, and instead enjoy high ranking positions, including the current Minister of Justice. Families and survivors still await accountability and reparation for their suffering and loss.<sup>8</sup>

## **RECOMMENDATIONS**

In light of its legal commitment to the principle of anti-discrimination, and the right to freedom of expression and belief, the Islamic Republic must:

- Investigate and hold accountable all state organs and individuals implicated in gender-based policies and practices resulting in abuse and torture of women prisoners and provide reparation and compensation for victims, including survivors of past crimes.
- Take effective legal measures to eliminate forced confession to sexual promiscuity, striking genitals, sexual insults and offensive language, sex-based cruelty, forced cavity search and ignoring needs of pregnant women, young mothers and their children are forms of sexual torture in Islamic Republic prisons.
- Implement a comprehensive rights-based criminal and prison policy as well as national policies designed to eradicate prison violence, including prisons in marginal communities.

<sup>6</sup> Recommendations by Chile, Austria, Czech Republic, Australia, Canada, Denmark and the Netherlands

<sup>7</sup> <http://justice4iran.org/english/j4iran-activities/disciplining-bodies-diagnosing-identities-mandatory-veiling-mandatory-sterilization-sexual-torture-and-the-right-to-bodily-integrity-in-the-islamic-republic-of-iran/>

<sup>8</sup> Based on a JFI report, for the first time ever, the UN Special Rapporteur on violence against women, Dr. Rashida Manjoo, made mention of this phenomenon during her report to the UN General Assembly in October 2013.

## Right to bodily cover

**Thirty-five Years of Forced Hijab; The Widespread and Systematic Violation of Women's Right in Iran**<sup>9</sup>, a research report by JFI highlights a range of distinct but interrelated criminal laws and other legal restrictions and practices. Among them are gender-based policies that endorse infringements on dignity and autonomy of women and girls, including the right to bodily cover and choice of clothing:

- The Islamic Republic is the first country to demand hijab by law starting at 7 years of age for all school girls and women regardless of background and age. Sharia laws apply hijab to those between 9 and 70 years of age starting in March 1979 despite great opposition by women and girls in Iran.
- *Guidance Patrols* enforce hijab rules and regulations in all public spaces through physical and psychological harassment, torture and violence, on all women including girls and even pregnant women, for 'improper' hijab often defined randomly in accordance with judgement of disciplinary forces personnel.
- In Iran, all rights to access public spaces, employment, education, travel, recreation or cultural activities and medical care are subject to hijab.
- State officials can and have refused women the right to enter airports or drive their own cars due to perceived 'improper' hijab.
- Between 2003 and 2013 alone, official statistics show state authorities subjected at least 30,000 women to arrest and 460,000 to verbal warning

### **RECOMMENDATIONS**

In light of its legal commitment to the principle of anti-discrimination, and the right to freedom of expression and belief, the Islamic Republic must:

- Lift the mandatory hijab laws, end mandate of enforcement guidance patrols, and identify and prosecute governmental or quasi-governmental officials and organs responsible for harassment of women for improper hijab and provide reparation and compensation to victims.
- Bring its national legislation into conformity with international obligations on women's rights, including the right to education, work, participation in cultural life, access to public services, freedom of movement and right to psychological security regardless of the imposed hijab laws.
- Ratify CEDAW and recognize the rights of women and girls, in particular those who belong to ethnic and religious minorities who still face multiple forms of discrimination with respect to education, health, employment and social and political participation based on enforced hijab laws.

**For further information, please contact Justice for Iran (JFI) at:  
*info@justiceforiran.org***

---

<sup>9</sup> <http://justice4iran.org/english/j4iran-activities/8986/>