



**Submission to the UN Universal Periodic Review
48th Session of the UPR**

Working Group of the Human Rights Council

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Submitted by: Equality Now, Femena and The Centre for Supporters of Human Rights

Introduction and Summary

1. **Equality Now** is an international human rights organization with ECOSOC status working to protect and promote the rights of women and girls worldwide since 1992, including through our network of individuals and organizations in every region. Ending sexual violence, ending sexual exploitation, ending harmful practices, and achieving legal equality are the main areas of Equality Now's work.
2. **The Centre for Supporters of Human Rights (CSHR)** is a non-governmental organization working to strengthen and expand the efforts of local and diaspora activists and rights defenders and to promote nonviolent solutions to overcoming state repression and human rights violations. CSHR's main areas of work include gender equality, minority rights, the rights of the legal community, ensuring fair trial rights for victims, empowering civil society, and advocating for policy and legal reforms.
3. **Femena** works with partners to promote gender equality, inclusion and peace; expand civic space; strengthen civil society and WHRD resilience; visibilize the work of WHRDs and progressive feminist movements; and foster solidarity and south-south cooperation in MENA and Asia regions. Femena carries out its mission through an interlinked approach of advocacy, research, documentation, convenings, and training and by fostering the development of communities of practice.
4. During the 3rd UPR Cycle, the Islamic Republic of Iran received 83 recommendations to strengthen and improve measures regarding women's and girls' rights protection. The State supported 34 of these and noted the remaining 49. Of those supported, 4 related to preventing and eliminating violence against women,¹ 10 concerned discrimination against

women and girls in the legal system,² 6 addressed girls' access to education,³ 9 dealt with women's participation in public life and economic empowerment,⁴ 2 advocated for the rights of women human rights defenders (WHRDs),⁵ 1 addressed child marriage,⁶ 1 discussed trafficking of women and girls,⁷ and 1 noted the rights of women and girls with disabilities.⁸

5. Of those noted, 19 called for the ratification of CEDAW,⁹ 11 addressed child marriage,¹⁰ 3 dealt with women's participation in public life and economic empowerment,¹¹ 5 related to preventing and eliminating violence against women,¹² 3 advocated for the rights of WHRDs,¹³ 3 related to sexual violence against children,¹⁴ 1 addressed girls' access to education,¹⁵ 2 related to adherence to international human rights standards,¹⁶ and 2 concerned discrimination against women and girls in the legal system.¹⁷
6. This submission outlines gaps in the implementation of international human rights obligations and the legislation of the Iranian State in addressing child, early, and forced marriage, female genital mutilation (FGM), and discriminatory laws. It further details the suppression and criminalization of WHRDs who are advocating for legal equality and social justice in Iran.
7. Since the last review, the Islamic Republic of Iran has made some progress. In 2020, it adopted the *Law on the Protection of Children and Adolescents*, which imposes new penalties for acts that harm a child's safety and well-being, including the perpetration of physical harm and prevention of access to education.¹⁸ Unfortunately, this law does not go far enough. It fails to mention several serious issues that threaten the rights of girls in the State: namely child marriage, the death penalty, and FGM.
8. It is concerning that, during the Islamic Republic of Iran's most recent review by the Human Rights Committee in 2023, the Iranian representatives dismissed the issues of child marriage and violence against WHRDs and denied the existence of FGM, all of which present serious rights violations in the State. It is our hope that these issues will be granted appropriate consideration in the upcoming review.

Women Human Rights Defenders (WHRDs)

9. Iranian WHRDs have long been at the forefront of the country's struggle against discrimination and inequality.¹⁹ For decades, legal and systematic discrimination against women in Iran has led to women being one of the most significant forces of resistance and change. Consequently, they have consistently been suppressed in political and social arenas, more than other groups. Women's efforts have publicly exposed ongoing discrimination, oppression, and injustice. This struggle has caused women to face serious

risks and costs, including detention, imprisonment, house arrest, internal exile, travel bans, state-sponsored sexual and gender-based violence, and social pressure.

10. Jina Mahsa Amini,²⁰ a 22-year-old woman, died on September 16, 2022, while in the custody of the “morality police”²¹ after she was arrested for not wearing the hijab properly.²² Her death sparked protests across Iran with the slogan “Woman, Life, Freedom,” during which Iranian women demanded the right to bodily autonomy and freedom and called for accountability in the face of increasing oppression and violence, including rape, killing, arrests, and violations of the rights of detainees. Two journalists, Niloufar Hamedei and Elahe Mohammadi, who were among the first to report on Jina Amini’s death in police custody²³ and her funeral, were arrested and sentenced to 13 and 12 years in prison respectively for cooperating with the hostile United States government, spreading propaganda, and conspiring to commit a crime against the State.²⁴ They were both imprisoned for 17 months, before being temporarily released on a 10 billion toman bond each, pending an appeals hearing.²⁵
11. A 2022 Human Rights Council Special resolution called upon the Iranian State to end all forms of violence and discrimination against women and girls in law and practice and was an essential step towards protecting human rights and eliminating the legal discrimination that put Jina Mahsa Amini and other women at deadly risk.²⁶
12. The UN Human Rights Council established an Independent International Fact-Finding Mission on Iran (Fact-Finding Mission) in November 2022, and renewed in April 2024 for an additional year,²⁷ to investigate the human rights violations related to the protests that began on 16 September 2022, especially with respect to women and children.²⁸ Since 2022, there have been numerous reports and allegations of human rights violations in Iran by the State forces, including torture, ill-treatment, and sexual and gender-based violence committed against women, men, and children, especially in detention.²⁹
13. The Islamic Republic of Iran received six recommendations pertaining to the rights of WHRDs in its last UPR review.³⁰ It accepted two; the first was to “[f]ully guarantee the rights of freedom of expression and to peaceful assembly and association, by creating an enabling environment, especially for women human rights defenders and human rights lawyers,”³¹ and the second to “[c]reate a safe and enabling environment for civil society and human rights defenders, especially women human rights defenders.”³² Despite this, the Iranian State has categorically denied instances of violence against human rights defenders, stating that “no one will be prosecuted or convicted merely for peaceful demonstration or protest. There is a clear line between peaceful protesters and those disguising their criminal activities as defending human rights.”³³

14. To the contrary, the Fact-Finding Mission, in its report published in April 2024, highlighted the ways in which “pervasive and deep-rooted structural and institutionalized discrimination against women and girls, permeating all areas of their public and private lives, was both a trigger and an enabler of the widespread serious human rights violations and crimes under international law committed against women and girls in the Islamic Republic of Iran.”³⁴ We urge the Iranian State to stop the executions of individuals convicted in connection with the protests and to fully cooperate with the Fact-Finding Mission in its renewed mandate, including giving access to the judicial files, evidence, and judgments.

Lack of Legal Protections Against Female Genital Mutilation

15. The practice of FGM is internationally recognized as a human rights violation and an extreme form of gender-based violence, with severe implications on women’s and girls’ bodily integrity and autonomy. Iranian law does not explicitly prohibit all forms of FGM practiced in Iran. The continued existence of FGM in the State and the failure of the Islamic Republic of Iran to pass a law banning the practice violates its international obligations under various treaties, including *inter alia* the right to life guaranteed under the Convention on the Rights of the Child (CRC) and the International Covenant on Civil and Political Rights (ICCPR),³⁵ as well as the right to the highest attainable standard of health under the International Covenant on Economic, Social, and Cultural Rights.³⁶

16. Despite this, there is growing evidence of the practice of FGM in Iran,³⁷ and accounts that FGM has existed there for over a century.³⁸ However, there is no official data on the prevalence of FGM across different regions of the State.

17. The majority of FGM is practiced in Kurdistan, West Azerbaijan, Kermanshah, Ilam, Lorestan, and Hormozgan.³⁹ One study found an FGM prevalence rate of 68.5% among 780 participants in Hormozgan province.⁴⁰ A 2002 study also found an FGM prevalence rate of 69.7% in Minab, a city in Hormozgan Province, based on a survey of 400 women.⁴¹ There was also a 55% prevalence rate of FGM among a survey sample of 348 women referred to five health centers in Ravansar City in Kermanshah province.⁴²

18. The most recent study on FGM in Iran, published in 2020, also found evidence of the continuing practice in Lorestan province in Western Iran (through interviews with 26 survivors), when it was previously thought that the practice had died out in that region.⁴³ This research highlights the critical need for systematic, large-scale, and nationwide data on the prevalence of FGM in the country.

19. The practice of FGM in Iran is usually performed on girls under the age of 10, though in some areas, it is done soon after birth or right before marriage. It is largely carried out by traditional practitioners using razors or knives.⁴⁴ The most common form of FGM in Iran is Type I (clitoridectomy) and Type II (excision),⁴⁵ though there is evidence of Type III (infibulation) being practiced in certain areas.⁴⁶ A study in the Kermanshah province found that FGM is associated with frequent psychosexual difficulties in couples; notably orgasm difficulties, a sense of incomplete sexual needs fulfillment, and neurotic symptoms.⁴⁷
20. Many people practicing FGM still believe in harmful myths and misconceptions about the practice. These include beliefs that women who have undergone FGM have lower rates of divorce, that FGM prevents infertility and rape, that men prefer to marry girls who are cut, and that women who have undergone FGM will deliver more sons.⁴⁸ Additionally, there is a lack of media coverage and accurate public knowledge about FGM in the country.⁴⁹
21. In 2011, Iran's Supreme Leader, Ayatollah Khamenei, issued a fatwa which stated that FGM is harmful to women and is not obligatory under Islam.⁵⁰ However, he did not condemn the practice of FGM itself or declare it impermissible.
22. The Islamic Penal code sets out fines or *dieh* for mutilation of body parts. More specifically, Article 386 aims to fine those guilty of mutilating body parts and Article 663⁵¹ sets out fines for the mutilation of women and girl's sexual organs and could potentially be used to prosecute cases of FGM, along with provisions against child abuse in the *Law on the Protection of the Rights of Children and Adolescents*. These provisions, however, do not cover all forms of FGM and are not comprehensive, i.e. do not take a multisectoral and preventative approach to effectively address FGM in Iran. There have been no known prosecutions for FGM under these provisions. Further, the public belief that FGM is a religious duty protected under Article 12 of the Constitution could also contribute to confusion about whether criminal complaints can be made.⁵²
23. FGM was only raised in one recommendation during the Islamic Republic of Iran's last UPR review. Italy recommended that the State "[s]trengthen the efforts to combat all harmful practices against women and girls, including female genital mutilation and child, early and forced marriage, also by raising to 18 years the minimum legal marriage age."⁵³ The Iranian State noted but did not accept this recommendation.
24. There is a need for a comprehensive law prohibiting the practice of FGM explicitly in Iran. Such a law would make it clear to the public that FGM is a human rights violation and a form of violence against girls and women. It should not only provide survivors with specific legal recourse within the criminal justice system but also include provisions to prevent and address the root causes of the practice. The law should also mandate the

government to carry out public education and awareness programs, as well as train law enforcement officials, public officers, and medical professionals relating to FGM.

25. Further, the State must develop a multi-sectorial cross-country ‘National Action Plan’ coordinated by a specific department that initiates policy development, monitors and further coordinates policy action on FGM, and facilitates cross-sectoral initiatives in education, health, and child protection. Adequate space for the free operation of non-governmental and community-based organizations,⁵⁴ including the decriminalization of their work, would facilitate a comprehensive response aimed at the prevention of FGM. Such a response should include adequate funding for these organizations to support survivors, implement prevention strategies, and develop and deliver FGM-related training.

Lack of Legal Protection from Child, Early, and Forced Marriage

26. At the last UPR Cycle, the State received 12 recommendations related to ending child, early, and forced marriage; however, it only accepted one in which Uganda called for the Islamic Republic of Iran to “[e]nhance efforts to ensure full eradication of child marriages in certain parts of the country.”⁵⁵
27. In past UPR cycles, the Iranian State made recommendations to the Czech Republic to “[i]ntensify its efforts to prevent and prosecute acts of domestic and sexual violence against women and girls,”⁵⁶ to Brazil to “[c]ontinue its effective efforts to combat violence against children and adolescents, in particular women,”⁵⁷ and to Finland to “[p]repare a national plan to combat violence and discrimination against women and provide access and financial aid to support services, and strengthen cooperation between different government agencies.”⁵⁸ Despite making such recommendations, within its own country, the Islamic Republic of Iran has failed to take adequate steps to end child, early, and forced marriage—all of which facilitate increased rates of domestic and sexual violence against women and girls—and instead reiterated the legitimacy of the harmful practice by way of marriage registration to the Human Rights Committee in its 2023 review.⁵⁹
28. International human rights standards, including the ICCPR, clearly state that marriage between individuals must occur with the free and full consent of both parties at a “marriageable age.”⁶⁰ The Human Rights Council, in its 2023 Resolution on Child, Early, and Forced Marriage, emphasized that states should repeal or amend “laws that, directly or indirectly, allow forced marriage, including any provisions that may enable, justify or lead to child, early or forced marriage.”⁶¹
29. The minimum age of marriage in the Iranian State does not fulfill these conditions.⁶² As per Article 1041 of the Iranian Civil Code, the minimum age of marriage is set at 13 for

girls and 15 for boys.⁶³ Additionally, a child's guardian can request court permission to marry them off even at an earlier age; if the court determines that the girl is sufficiently physically and emotionally mature, they may allow girls 9-12 to be married. In April 2023, Iran's National Statistics Center (NSC) reported 27,448 registered marriages involving girls under the age of 15 between the winter of 2021 to 2022.⁶⁴

30. These numbers only reflect the registered marriages, which means the reality is much worse on the ground.⁶⁵ Additionally, the NSC does not release disaggregated data for marriage registrations of girls aged 15, 16, and 17 (only for ages 15-18 inclusive), which makes it impossible to determine the full extent of the issue. Experts and civil society have repeatedly said that actual numbers are much higher.⁶⁶
31. In 2018, a bill drafted by the Women's Faction of the Iranian Parliament,⁶⁷ titled *Prohibition of Child Marriage Bill*, aimed to prevent the marriage of girls below the age of 13, but was not passed.⁶⁸ Members of the Women's Faction also discussed the possibility of proposing an increase in the age of marriage, but realized it would face much resistance and focused its efforts on prohibiting marriage of girls under 13 instead.⁶⁹ Clerics, lawmakers, and conservatives condemned the bill for "contradicting Islamic jurisprudence, current laws, and diversity of cultures."⁷⁰ Since then, as the economic situation in the State has worsened, there has been a coinciding rise in child marriage, which can be attributed in part to new financial incentive policies, such as Government issued marriage and child-bearing loans put in place by the Islamic Republic.⁷¹
32. We reiterate and support the concluding observations and recommendations of the Human Rights Committee, the Committee on Economic, Social, and Cultural Rights and the Committee on the Rights of the Child (CRC Committee), which have called on the Iranian State to "raise the minimum age of marriage to 18 years for both boys and girls and to ensure that marriage can be entered into only with the free consent of the intending spouses,"⁷² and "revise, as a matter of urgency and priority...to further increase the minimum age for marriage for both girls and boys to 18 years, and to take all necessary measures to eliminate child marriages in line with the State party's obligations under the Convention."⁷³
33. The CRC Committee also expressed concerns about the irreversible consequences of child marriage and recommended that the State develop awareness programs targeting households, local authorities, religious leaders, judges, and prosecutors. Further, it asked the Islamic Republic to ensure that already married children can file complaints and seek divorce with financial compensation in addition to adding accountability mechanisms.

34. The Islamic Republic of Iran, in its 2021 State Party report, rejected international human rights law and its commitments under the ICCPR. It submitted that it will not consider increasing the minimum age of marriage from 13 for girls and 15 for boys “due to the importance of the family in Iranian society” and “the general indecency of illegitimate sexual acts outside the marriage.”⁷⁴ According to the report, prohibiting child marriage will “increase unwanted pregnancy and abortion rate for adolescents” and inflict pain and hardship upon adolescents who have not even reached 18.
35. However, laws that set the minimum age of marriage at 18 without exception are an essential way to safeguard boys and girls from being married or subjected to sexual violence within marriage, when they are not physically, psychologically, or emotionally ready to reach their fullest potential. Additionally, child marriage itself has led to high rates of adolescent pregnancy, as recorded by the Iranian Statistics Center.⁷⁵
36. We fully support and reiterate the observations and recommendations of the Human Rights Committee in its 2023 review of the Iranian State, particularly the recommendation to raise the minimum age of marriage to 18 and to prevent and eradicate harmful practices.⁷⁶

Discriminatory Laws and Regulations

37. Sex discrimination in laws, including in personal status laws, negatively impacts the ability of Iranian women and girls to live with dignity and realize their most fundamental human rights. Discrimination based on sex is also a serious violation of international human rights law.
38. In its last UPR Review, the Iranian State received and supported a number of recommendations related to sex discriminatory laws. Specifically, the State supported Malta’s recommendation to “take steps to identify and remedy all laws that have a discriminatory impact on women and girls”⁷⁷ and New Zealand’s recommendation to “continue to reform penal and civil laws to ensure non-discrimination against women and girls.”⁷⁸ It further supported 3 recommendations to implement laws regarding violence against women, including Iceland’s call to “[a]dopt the draft bill on the protection of women against domestic violence so as to criminalize domestic violence.”⁷⁹ Despite the Iranian State’s support of these recommendations, little has been done to repeal discriminatory laws or implement new legal protections for women and girls.
39. Iranian laws give less weight to women’s testimony in court than men's. To prove most crimes, the testimony of two male witnesses is required.⁸⁰ However, to prove crimes of sexuality, which include ‘illicit sex outside of marriage’⁸¹ and various forms of same-sex

sexual activity, the witness testimony of either four men, three ‘just’ men and two ‘just’ women, or two ‘just’ men and four ‘just’ women is required.⁸² Finally, to prove bodily offenses punishable by monetary compensation, the witness testimony of one man and two women is required.⁸³ As a result, women are both unequal and less protected under the law.

Lack of Laws on Violence Against Women

40. No comprehensive and protective law on domestic violence exists in Iranian law.⁸⁴ However, the practice remains pervasive and widespread.⁸⁵ A 2004 national study found that 66% of married women in Iran had experienced domestic violence at least once in their lives.⁸⁶ Furthermore, according to Iran’s Legal Medicine Organization in 2021, about 75,000 domestic violence cases were investigated, accounting for 37% of all examinations.⁸⁷ These statistics only reflect cases reported to authorities and referred to Forensic Medicine to verify the severity of the assault or identify other mental and physical injuries.⁸⁸ Undoubtedly, actual statistics are even higher than those reported.
41. Additionally, Iranian law facilitates femicide carried out in the name of honor, and offers reduced sentences for such crimes.⁸⁹ When a perpetrator is charged and found guilty of murder, they are subject to “qisas,” a principle of retributive justice prescribed by Islamic law. Qisas allows a victim’s family to seek retribution, which in the case of murder is the death penalty.⁹⁰ If the family decides against retribution, compensation equivalent to the injury inflicted must be paid to the family and a judge can only provide a sentence between 3 to 10 years in prison. However, in many cases of femicide, the victim’s family members in a position to request qisas know, and are often related to, the murderer and, as such, often decide against the harsh punishment of qisas.⁹¹ Furthermore, prosecutors often do not seek longer sentences and judges release convicts after a few years in prison.
42. WHRDs and journalists have repeatedly stressed the need to change the laws that enable femicide and adopt laws to punish perpetrators and protect victims of domestic violence.⁹² Iranian women and rights defenders waited twelve years for the bill on the *Protection, Dignity, and Security of Women against Violence* to pass, which promised to finally define violence against women and adopt measures to prevent it. This bill criminalized different forms of violence against women and called for services to support survivors. However, after much watering down, the chair of the women’s fraction in the Parliament announced a new bill in February 2023, titled *Prevention of Harm against Women and Increasing Women’s Security in the Face of Mistreatment*.⁹³ This new bill, which fails even to mention the word ‘violence,’ passed the initial review by Parliament in April 2023 and is scheduled for a full vote by Parliament.

Discrimination in Nationality Laws

43. In addition, the Civil Code also discriminates against women in terms of nationality rights.⁹⁴ Article 976 states that children of Iranian women married to foreign men who are born in Iran can only apply for Iranian citizenship after they turn 18.⁹⁵ This same rule does not apply to children born to Iranian men married to foreign women, who obtain citizenship automatically. The result of this discriminatory law is that non-citizen children of Iranian women are denied national identity cards and, as such, cannot attend school or access other services.⁹⁶ Protests by WHRDs led the Iranian State to adopt temporary regulations in 2019, which allowed women to pass on their nationality to their children. However, much to the dismay of women and women’s rights activists, the temporary regulations were repealed in 2023 and the discriminatory Article 976 remains law.
44. Married women also cannot pass nationality to a foreign spouse on an equal basis with married men.⁹⁷ Article 980 of the Civil Code states that men married to Iranian women and who have a child with them may apply for State approval to become a national,⁹⁸ whereas Article 976(6) states that women married to Iranian men are conferred citizenship automatically.⁹⁹ Additionally, Article 987 denotes that women automatically lose their Iranian citizenship upon marrying a spouse of a different nationality in instances where the laws of the spouse’s country of citizenship automatically impose citizenship upon her.¹⁰⁰ These laws treat the citizenship status of women as inferior to men.
45. These and other laws, such as the law of *Protecting Those who Command the Good and Forbid the Evil*,¹⁰¹ allow and empower the military and civil forces to violate women’s rights with the support of the State and to harass businesses and civil service providers into violating the rights of women by threatening their rights. These are all in violation of the Iranian State’s legal obligations under international law, including under the ICCPR.¹⁰² Article 18(2) of ICCPR states that “[n]o one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.” Article 19(1) also states that “[e]veryone shall have the right to hold opinions without interference.” Finally, Article 24(3) states that “[e]very child has the right to acquire a nationality.”

The Rollback of Rights and Implementation of New Discriminatory Measures

46. In spite of discriminatory laws, women in Iran have continued to make significant strides in public life, most notably through continued resistance, civil disobedience, and protests. The State’s response has been to introduce laws and policies that specifically target those achievements, to push women out of public life and restrict them to the home.
47. In an oral update of the Fact-Finding Mission¹⁰³ on July 5, 2023, the Chairperson reported that two draft bills were recently placed for consideration in the Iranian State.¹⁰⁴ If enacted

into law, these bills “would expose women and girls to increased risks of violence, harassment and arbitrary detention and represent another set-back to their right to equality and to freedom of expression, including the freedom to choose whether or not to wear the hijab.”¹⁰⁵ Further, in its February 2024 report, the Fact-Finding Mission urged the Iranian authorities to “repeal or amend laws that discriminate against women and girls, as well as men and boys, in particular those on the mandatory hijab.”¹⁰⁶

48. However, there are two pending bills that would reinforce existing discriminatory laws and practices. The first bill titled *Bill to Support the Family through Promoting the Culture of Chastity and Hijab*,¹⁰⁷ would actually enshrine harsher punitive measures into law. It builds off of Article 638 of the Penal Code, which states that women may be imprisoned or fined for failure to wear prescribed Islamic dress.¹⁰⁸ It includes 70 articles that propose harsher punishments, including longer prison terms for women who go without headscarves in public, including severe penalties for celebrities who openly disregard the rules, and for businesses and public service providers who cater to these women.¹⁰⁹ These penalties for refusing to wear hijab are excessive, with fines up to five times the average monthly salary of a government employee in Iran and up to ten times their salary for continued defiance. The bill also proposes the use of Artificial Intelligence to surveil women in breach of the dress code. This repressive bill is yet another manifestation of gender-based persecution that would lead to serious violations of the rights of women and girls while forcing the public, businesses, and civil servants to act as law enforcement.
49. While the bill has not yet passed, it is effectively in place. In April 2024, over 160 Iranian lawmakers endorsed further police crackdowns on the hijab in a public parliamentary declaration.¹¹⁰ Lawmakers called on various institutions to support the crackdown, and the Revolutionary Guard created a new body to enforce the law “in a more serious manner” in public spaces.¹¹¹ Additionally, the State has shut down hundreds of businesses for refusing to enforce the hijab law, and is utilizing surveillance cameras to identify women drivers in violation.¹¹²
50. The second bill, titled the *Rejuvenation of the Population and Protection of the Family Law*,¹¹³ aims to promote population growth in Iran. Several articles severely restrict women’s access to reproductive health services and contraceptives, their rights to decide about their own bodies, and their access to certain medical procedures, including C-Sections, sterilizations, and abortions.¹¹⁴ The law treats women’s bodily autonomy as a security threat to the State. It requires the Ministry of Intelligence and law enforcement agencies to identify and present to judicial authorities any action related to abortion. This includes physicians, midwives, nurses, individuals, and health centers providing abortions or abortion-inducing drugs, and websites and virtual platforms that promote “illegal” abortion. According to Article 61 of the law, if a person is found to perform abortions on a

broad scale, they will be charged and tried for “promoting corruption on earth,” which may be punishable by the death penalty.¹¹⁵

51. Monetary incentives included in the bill are promoted through radio and State agencies, aiming to encourage younger Iranians to marry and have more children.¹¹⁶ They target socioeconomically disadvantaged populations who may use the incentives for the purchase of houses or for reduced rent and utility payments which they otherwise could not afford. For example, the law specifies the use of undefined qualifying criteria for identifying and providing incentives to poor, pregnant, or breastfeeding mothers with children under the age of five.
52. Both of these bills aim to push women out of the workforce and further confine them to the home. They seek to unravel women’s social achievements and increase women’s unemployment rate, which is already twice the rate of men’s and three times that of women’s worldwide.¹¹⁷ Moreover, they encourage women to marry early, which often translates into forced marriage of girls.

Ratification of International and Regional Human Rights Instruments

53. The Islamic Republic of Iran remains one of only six countries that have not signed or ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and one of the twenty-one countries that have not signed or ratified the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT).¹¹⁸

We respectfully urge the members of the Council to recommend to the Islamic Republic of Iran to:

- Enact a law that explicitly prohibits all forms of FGM in Iran.
- Provide national, statistical, disaggregated, and reliable data on the number of women and girls living in Iran who have either undergone FGM or are at risk of undergoing FGM.
- Enact laws and policies to provide widespread education on FGM and its harmful consequences to the health and security of women and girls.
- Implement education, outreach, and training related to addressing FGM in Iran.
- Enact a law that specifies the minimum age of marriage for both girls and boys as 18, without exception.
- Enact and implement laws and policies that effectively address the prevalence of child marriage in Iran. This includes implementing comprehensive measures such as education, outreach, and training to challenge social norms, alleviate economic hardships, and combat violence against women.

- Amend and remove all gender discriminatory clauses in civil and criminal codes, particularly Articles 199, 209, and 638 of Iran’s Islamic Penal Code of 2013, Books I, II, and V.
- Amend Articles 976, 977, 980, and 987 of the Civil Code to remove all gender discriminatory clauses pertaining to the right to nationality.
- Amend the Constitution, in particular, the preamble, Articles 2, 3, 4, 21, and Article 115, and abolish all regulations whereby women’s dress or behavior in public or private life is monitored and controlled by the State agents.
- Abolish the law of protecting those who *command the good and forbid the evil* that allows and empowers the military and civil forces to violate women’s rights with the support of the State and all other laws and regulations that harass businesses and civil service providers into violating the rights of women on behalf of the State.
- Ensure the *Bill to Support the Family through Promoting the Culture of Chastity and Hijab* is not passed into law.
- Amend and repeal the *Rejuvenation of the Population and Protection of the Family Law*.
- Combat and prevent State reprisals against protests and end monitoring and reporting on women in Iran, while ensuring effective protection for women against all forms of violence, harassment, abuse, and torture.
- Support and cooperate with all international efforts, including the UN Fact-Finding Mission investigating the human rights violations in Iran related to the protests that began in September 2022, especially with respect to women and children, and establish the facts and circumstances surrounding the alleged violations.
- Conduct national-level independent, in-depth, and prompt investigations into the use of extreme violence against protestors, killings, and all forms of violence against women and hold the perpetrators accountable.
- Sign and ratify CEDAW and the CAT without any reservations.

¹ Iceland (Rec. 26.256), Indonesia (Rec. 26.252), Montenegro (Rec. 26.255), Tunisia (Rec. 26.249).

² Fiji (Rec. 26.202), Malta (Rec. 26.246), New Zealand (Rec. 26.248), Canada (Rec. 26.258), Poland (Rec. 26.238), Bhutan (Rec. 26.174), Dominican Republic (Rec. 26.231), Kyrgyzstan (Rec. 26.235), Lao People’s Democratic Republic (Rec. 26.236), Japan (Rec. 26.234).

³ Thailand (Rec. 26.208), Uruguay (Rec. 26.211), Singapore (Rec. 26.215), State of Palestine (Rec. 26.219), Syrian Arab Republic (Rec. 26.266), Cambodia (Rec. 26.229).

⁴ Botswana (Rec. 26.227), Myanmar (Rec. 26.237), Bangladesh (Rec. 26.257), Slovenia (Rec. 26.259), Bulgaria (Rec. 26.228), Philippines (Rec. 26.224), Azerbaijan (Rec. 26.226), Cambodia (Rec. 26.230), Nepal (Rec. 26.261).

⁵ Norway (Rec. 26.329), Belgium (Rec. 26.325).

⁶ Uganda (Rec. 26.269).

⁷ Sri Lanka (Rec. 26.148).

⁸ Nigeria (Rec. 26.294).

⁹ Greece (Rec. 26.15), Thailand (Rec. 26.239), Lithuania (Rec. 26.245), Mexico (Rec. 26.247), Georgia (Rec. 26.3), Botswana (Rec. 26.4), Republic of Korea (Rec. 26.5), Republic of Moldova, Estonia, Burundi, Kenya, Czechia, Bahrain (Rec. 26.6), Ecuador (Rec. 26.7), Seychelles (Rec. 26.10), Togo, Uganda, Burkina Faso (Rec. 26.11), Croatia (Rec. 26.12), Spain (Rec. 26.14), Luxembourg (Rec. 26.16), North Macedonia (Rec. 26.17), Austria (Rec. 26.19), Germany (Rec. 26.21), Latvia (Rec. 26.24), Slovenia (Rec. 26.28).

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- ¹⁰ Albania (Rec. 26.225), Belgium (Rec. 26.270), United Kingdom of Great Britain and Northern Ireland (Rec. 26.273), Cyprus (Rec. 26.274), Denmark (Rec. 26.275), Ecuador (Rec. 26.276), France (Rec. 26.277), Germany (Rec. 26.278), Honduras (Rec. 26.279), Italy (Rec. 26.282), Kenya (Rec. 26.283).
- ¹¹ Honduras (Rec. 26.233), Honduras (Rec. 26.260), United States of America (Rec. 26.240).
- ¹² Sierra Leone (Rec. 26.250), Finland (Rec. 26.251), Argentina (Rec. 26.241), Portugal (Rec. 26.253), Uruguay (Rec. 26.254).
- ¹³ Argentina (Rec. 26.156), Australia (Rec. 26.157), Austria (Rec. 26.150).
- ¹⁴ Portugal (Rec. 26.267), Uganda (Rec. 26.268), Argentina (Rec. 26.272).
- ¹⁵ Iceland (Rec. 26.204).
- ¹⁶ Italy (Rec. 26.243), Latvia (Rec. 26.244).
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- ¹⁸ *Iran: Child Protection Law Positive, but Insufficient*, Human Rights Watch, <https://www.hrw.org/news/2020/06/23/iran-child-protection-law-positive-insufficient> (June 23, 2020).
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- ²⁰ Due to the fact that only names of Persian origin can be registered in the Islamic Republic of Iran, Mahsa was her legal name. In the media, she has also been referred to as Mahsa Amini. However, her Kurdish name, and the one used by her family, was Jina.
- ²¹ “Gasht-e Ershad”, or Islamic guidance patrol - police that would enforce the country’s dress code. There are reports that this unit was suspended in 2022 after widespread protests in the country and globally.
- ²² *Iranian Women’s Struggle to Resist Repression: The Years of Hardship and Violence*, Femena, <https://femena.net/2023/09/18/the-years-of-hardship-and-violence-iranian-womens-struggle-to-survive-and-resist-state-violence/> (Sept. 18, 2023).
- ²³ *CPJ condemns trials of Iranian journalists Niloofar Hamed and Elahe Mohammadi*, Committee to Protect Journalists, <https://cpj.org/2023/07/cpj-condemns-trials-of-iranian-journalists-niloofar-hamed-and-elahe-mohammadi/> (July 24, 2023); see also, Maryam Afshang, *The Journalists Imprisoned for Reporting the Death that Shook Iran*, BBC Persian, <https://www.bbc.com/news/world-middle-east-65466887> (May 5, 2023).
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- ³¹ Belgium (Rec. 26.325). The recommendation was accepted or supported by the Islamic Republic of Iran.
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- ³³ *Replies of the Islamic Republic of Iran to the list of issues in relation to its fourth periodic report*, Human Rights Committee, CCPR/C/IRN/RQ/4 (July 5, 2023), <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsieXFSudRZs%2FX1ZaMqUUOS9JAnORG25ZCxdY3%2Bu2KQ1hhTNwFPrkCFGDGiaJbgU55FBQzoIhDTqgsZBUQK5ra3T6%2BOCshSq4Hlx65cdLHMRB>.
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- ³⁶ International Covenant on Economic, Social and Cultural Rights, Dec. 16, 1966 U.N.T.S. 3.

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⁸⁰ Islamic Penal Code, 2016, art. 199 (Iran).

⁸¹ *Zina* is defined as illicit sex outside of marriage. *Livat*, *tafkhez* and *musaheqeh* are defined as various forms of homosexual sexual activity either between men or women.

⁸² *Id.* The configuration of testimony provided allows for different forms of punishment. The Penal code specifies: “For establishing commission of fornication punishable by flogging, head shaving and/or banishment, testimonies of two men and four women shall suffice. Where punishment is other than those stated, testimonies of at least three virtuous men and two virtuous women shall be required. In that case where two virtuous men and four virtuous women testify to commitment thereof, only sentence to fixed corporal punishment of flogging will become allowed.”

⁸³ *Id.*, Art. 209. (“Where, in financial claims such as *diyeh* for bodily offenses, and also in claims which are about claiming a sum of money such as a negligent or quasi-intentional bodily offense which must be compensated by a *diya*, the private claimant is unable to provide an admissible evidence which meets the requirements under Shari’a, s/he [still] can produce one male witness or two female witnesses together with an oath and prove the financial part of his/her claim.”)

⁸⁴ In addition, women who are subjected to domestic violence have great difficulty obtaining a divorce. Under Iranian law, men have a unilateral right to divorce through *talaq*, whereas women may only obtain a divorce under *kula* or certain specific circumstances. These include non-payment of financial support, disappearance for 4 years, and, most relevant to instances of domestic violence, ill-treatment. Such ill-treatment can be physical or other that reaches a level where it is unbearable for the woman to remain in the marriage. In practice, however, this condition is difficult to prove, and it is up to the discretion of a judge as to whether a particular circumstance can be deemed unbearable.

⁸⁵ Femena, Iranian Women’s Struggle to Resist Repression: The Years of Hardship and Violence (2023), <https://femena.net/2023/09/18/the-years-of-hardship-and-violence-iranian-womens-struggle-to-survive-and-resist-state-violence/>.

⁸⁶ Hajnasiri et al., *Domestic Violence Among Iranian Women: A Systematic Review and Meta-Analysis*, 18 Iran Red Crescent Med. J. (2016), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5006439/>.

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⁸⁹ *Id.*

⁹⁰ Islamic Penal Code, 2016, art. 612 (Iran) (“Anyone who commits a murder and where there is no complainant, or there is a complainant but he has forgiven and withdrawn his application for *qisas*, or if *qisas* is not executed for any reason, if his act disrupts the public order and safety of the society or it is thought that it emboldens the offender or others [to commit murder again], the court shall sentence the offender to three to ten years’ imprisonment.”)

⁹¹ Femena, Iranian Women’s Struggle to Resist Repression: The Years of Hardship and Violence (2023), <https://femena.net/2023/09/18/the-years-of-hardship-and-violence-iranian-womens-struggle-to-survive-and-resist-state-violence/>.

⁹² *Id.*

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⁹⁴ Equality Now, *The State We’re In: Ending Sexism In Nationality Laws – 2022 Edition – Update For A Disrupted World* (2022), <https://equalitynow.org/resource/state/>.

⁹⁵ Qanuni Madani [Civil Code] 1314 [1935], art. 976 (Iran), <https://faolex.fao.org/docs/pdf/ira206827.pdf>.

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⁹⁷ Equality Now, *The State We’re In: Ending Sexism In Nationality Laws – 2022 Edition – Update For A Disrupted World* (2022), <https://equalitynow.org/resource/state/>.

⁹⁸ Qanuni Madani [Civil Code] 1314 [1935], art. 980 (Iran), <https://faolex.fao.org/docs/pdf/ira206827.pdf>.

⁹⁹ *Id.*, art. 976(6).

