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Re: Information on the Islamic Republic of Iran for its review by the Human Rights Committee at the 139th Session (09 Oct 2023 - 03 Nov 2023)

Introduction

1. Equality Now and the Centre for Supporters of Human Rights (CSHR) present the following submission in advance of the 139th session of the Human Rights Committee (the Committee) between 9th October and 3rd November 2023. In this submission, we express deep concerns about the condition of women and girls in Iran regarding the continued prevalence of female genital mutilation (FGM), child marriage, and sex-discriminatory personal status laws in the country. All have a negative impact on women and girls' ability to enjoy their civil and political rights and constitute violations of Iran's obligations under the International Covenant of Civil and Political Rights (ICCPR).
2. With regard to the specific concerns mentioned above, we note the State party's failure to comply with its obligations under the ICCPR, which explicitly prohibits violence against persons and discrimination on the basis of sex and mandates State parties to "ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy" and to "undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights" (Articles 2 and 3 ICCPR). The State party is also in violation of the ICCPR provision that "all persons are equal before the law and are entitled without any discrimination to the equal protection of the law" (Article 26). In addition, the ICCPR protects individuals from "torture or cruel, inhuman or degrading treatment" and "arbitrary or unlawful interference with his or her privacy" (Articles 7 and 17). The ICCPR states that everyone has the "right to liberty and security of person" and that "[e]very child shall have ... the right to such measures of protection as are required

by his status as a minor, on the part of his family, society and the State” (Articles 9 and 24).¹

Information about the authors of the submission

3. **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.
4. **The Centre for Supporters of Human Rights (CSHR)** is a non-governmental organization established in the UK in 2012. CSHR advocates for sustainable peace and democracy in Iran and the greater Middle East by promoting human rights. It advocates for the development of peace and security that is built on the foundations of human rights, justice and equality for all people and communities. CSHR’s main aim is to amplify and promote the work of civil society, grassroots organizations and movements in Iran. CSHR works 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. CSHR rejects war, and militarism, violence and discrimination as impediments to human rights, peace, and democracy.

The Practice of Female Genital Mutilation in Iran

5. FGM is the partial or total removal of the external female genitalia or other injury to the female genital organs for non-medical reasons.
6. FGM is recognized internationally as a human rights violation and an extreme form of gender-based violence.² According to UNICEF, at least 200 million women and girls from 31 countries today have undergone FGM around the world.³ FGM is deeply rooted in the social norm that has been documented in nearly all cultures, religions, and communities across the world to control and suppress a woman’s freedom, autonomy, and sexuality.⁴

¹ International Covenant on Civil and Political Rights, *United Nations Treaty Collection*, online at: https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&clang=en&mtdsg_no=IV-4&src=IND

² Eliminating Female genital mutilation, *An Interagency Statement*, OHCHR et al, online at: https://www.un.org/womenwatch/daw/csw/csw52/statements_missions/Interagency_Statement_on_Eliminating_FGM.pdf

³ UNICEF, *Female Genital Mutilation*, online at: <https://data.unicef.org/topic/child-protection/female-genital-mutilation/>

⁴ UNFPA, Female Genital Mutilation, “*Why is FGM performed?*”, online at: <https://www.unfpa.org/resources/female-genital-mutilation-fgm-frequently-asked-questions#why>

7. There is growing evidence, reports, and accounts of the practice of FGM in Iran.⁵ There are accounts that FGM has existed in Iran for over a century.⁶ Despite the knowledge of FGM being practiced in Iran, there are no official statistics and data on the prevalence across different regions of Iran.
8. According to a research study in 2015, the majority of FGM is practiced in Kurdistan, West Azerbaijan, Kermanshah, Ilam, Lorestan, and Hormozgan.⁷ Another study⁸ found an FGM prevalence rate of 68.5% among 780 participants in Hormozgan province. 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.⁹ 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.
9. The most recent study on FGM in Iran, published in 2020, also found evidence of the continuing practice of FGM in Lorestan province in Western Iran (through interviews with 26 survivors), though it was previously thought that the practice had died out in that region.¹⁰ This latest research highlighted that the practice is still prevalent and that there is a critical need for systematic, large-scale and nationwide data on the prevalence of FGM in the country since it still remains unclear how widespread the practice is across the country.
10. 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.¹¹
11. The most common form of FGM in Iran is Type I (clitoridectomy) and Type II (excision),¹² though there is some emerging evidence of Type III (infibulation) also being practiced in certain areas.¹³

⁵ Kameel Ahmady, *The Changing Paradigms Of FGM Country Report On Female Genital Mutilation/ Cutting (FGM/C) In Iran*, Pub: Avaye Buf, 2021, online at: <https://kameelahmady.com/wp-content/uploads/2015/05/THE-CHANGING-PARADIGMS-OF-FGMC-WEB.pdf> (Ahmady Report)

⁶ Fair Observer, “*Ending FGM in Iran Needs International Support, Rayehe Mozafarian*”, Divya Srinivasan, Feb 17, 2022, online at: https://www.fairobserver.com/region/middle_east_north_africa/rayehe-mozafarian-divya-srinivasan-iran-female-genital-mutilation-womens-rights-human-rights-32930/

⁷ Ibid. Ahmady report

⁸ Rayehe Mozafarian, *Razor and Tradition*, Roshangaran Publications

⁹ Talat Khadivzadeh, M. Ahadi & G. Seyedialavi, *P887 Female circumcision and women's attitude to it*, Minab, Iran, 2002-2003, 107(2) International Journal of Gynecology & Obstetrics 887 (2009), online at: <https://obgyn.onlinelibrary.wiley.com/doi/abs/10.1016/S0020-7292%2809%2962375-4>

¹⁰ Mahboobeh Babaie, Fariba Seddighi. R. Mozafarian, *Female Genital Mutilation Amongst Lak Women in Iran*, Woman Interdisciplinary Researches Journal Vol. 2, No. 1, Winter 2020 Pages 7-22 (available in Farsi).

¹¹ Child Marriage and FGM in the I.R Iran, *Violations of Girls' Rights*, online at: <http://www.stopfgmmideast.org/wp-content/uploads/2014/07/Iran-FGM-Child-Marriage-2014.pdf> at 9

¹² Orchid Project, *Where does FGC happen*, online at: <https://www.orchidproject.org/about-fgc/where-does-fgc-happen/iran/>

¹³ Supra note 10

12. Many people practicing FGM still believe in harmful myths and misconceptions about the practice - including myths such as women who have undergone FGM having 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.¹⁴ There is a lack of media coverage and accurate public knowledge about FGM in the country.¹⁵
13. National law in Iran is silent on FGM and does not prohibit it explicitly or in substance. In 2014, Iran's Supreme Leader, Ayatollah Khamenei issued a *fatwa* that stated that FGM is harmful to women and it is not obligatory under Islam.¹⁶ However, he did not condemn the practice of FGM itself or declare it impermissible.
14. Article 386 of the *Islamic Penal Code* could potentially be used to prosecute cases of FGM, including the prohibition on the mutilation of body parts or organs, as well as provisions against child abuse in the law on the Protection of the Rights of Children and Adolescents. However, there have been no known prosecutions for FGM under these provisions. Further, the public belief that FGM is a religious duty (constitutionally protected under Article 12 of the Constitution) could also contribute to confusion about whether criminal complaints can be made in relation to FGM.¹⁷
15. There is a need for a comprehensive law prohibiting the practice of FGM explicitly in Iran. A law banning FGM in Iran would make it clear to the public that FGM is a human rights violation and violence against women. It would not only grant specific legal recourse to survivors within the criminal justice system but could include specific provisions to prevent FGM and address the root causes of the practice. It would include public education, law enforcement, other public officers training, medical professionals, stakeholder engagement, and outreach.
16. Further, the government 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 funding should be granted to non-governmental and community organizations to support survivors, implement prevention strategies in community organizations, and develop and deliver FGM-related training.
17. For the above reasons, Iran violates the international human rights standards established and enshrined in the ICCPR. Especially clauses that guarantee gender equality and prevent discrimination based on sex, i.e., Articles 2, 3, 7, 17, and 26.

¹⁴ Bokaie M, Khalesi ZB, Roozbeh N, Mojahed S. Female genital mutilation in Southern Iran. *Afr Health Sci.* 2020 Jun;20(2):666-667 online at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7609098/>

¹⁵ Supra note 6

¹⁶ Courting the law, Islam and Female Genital Mutilation, online at: <https://courtingthelaw.com/2016/04/28/commentary/islam-and-female-genital-mutilation-fgm/>, Also see, <https://www.orchidproject.org/about-fgc/where-does-fgc-happen/iran/> Also see: <http://www.stopfgmmideast.org/new-religious-opinions-about-fgm-in-iran/>

¹⁷ The Constitution of Islamic Republic of Iran, online at: https://www.constituteproject.org/constitution/Iran_1989.pdf

18. Therefore, we respectfully urge the Committee to make recommendations and urge the following with the Iranian government to:

- a. 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.
- b. Enact a law that explicitly prohibits all forms of FGM in Iran.
- c. Develop national-level action plans and policies to meaningfully address FGM with clear targets, timelines, and sustainable funding.
- d. Enact laws and policies to provide widespread education on FGM and its harmful consequences to the health and security of women and girls.
- e. Implement education, outreach, and training related to addressing FGM in Iran.
- f. Provide adequate funding to civil society groups and organizations that are working on supporting survivors, developing resources, and delivering training to stakeholders and the community.

Lack of Protection from Early, Forced, and Child Marriage

19. Child marriage refers to any formal marriage or informal union between a child under the age of 18 and an adult or another child. International human rights standards, including the ICCPR, clearly state that marriage between individuals must occur with the free and full consent of both parties and at a “marriageable age.” This Committee has noted that the minimum age of marriage “should be such as to enable each of the intending spouses to give his or her free and full personal consent in a form and under conditions prescribed by law.”¹⁸

20. The minimum age of marriage in Iran does not fulfill these conditions, and Iran is seriously violating the ICCPR.¹⁹ Further, despite this Committee’s previous recommendations that the Iranian government should “ensure that the minimum age complies with international standards and should adopt active measures preventing forced, early and temporary marriage of girls,” this is yet to be implemented.²⁰

21. As per Article 1041 of the Iranian Civil Code, the minimum age of marriage is set at 13 for girls and 15 for boys.²¹ Additionally, the child’s guardian can request the court for permission to marry the child off even at an earlier age, with no absolute minimum age

¹⁸ General Comment No. 19 - Protection of the Family, the Right to Marriage and equality of the Spouses (Article 23), par. 4 (Jul. 27, 1990).

¹⁹ Justice for Iran, Brief Submitted to the Office of the High Commissioner for Women’s Rights and Gender Section (WRGS), Human Rights Council, online at: <https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WRGS/ForcedMarriage/NGO/JusticeForIran.pdf>

²⁰ Concluding observations of the Human Rights Committee to the Islamic Republic of Iran, 103rd session 17 October - 4 November 2011, CCPR/C/IRN/CO/3, para 28

²¹ Civil Code of the Islamic Republic of Iran, <https://www.refworld.org/docid/49997adb27.html>

being imposed by the law for this exception. This means that girls even as young as five years old are being married off - for instance, there were 172 marriages of girls between the ages of 5-9 reported between March 2021 - January 2022.²² In April 2023, the Iran Statistics Center reported that over 20,000 girls under the age of 15 had been married in the eight-month period leading up to January 2023.²³ More than a million female child marriages have been registered in Iran in the last eight years, including 13,500 involving girls under the age of 13.²⁴

22. These numbers only reflect the registered marriages, which means the conditions are much worse on the ground.²⁵ The National Statistics Center (NSC) also announced that Iran ranks second after Guinea²⁶ on child marriages, which often lead to divorces as complications occur.²⁷ Experts and civil society have repeatedly said that the actual number of children getting married in Iran is much higher than the official statistics.²⁸
23. In 2018, a motion by the Women's Faction of the Majlis (the national legislative body of Iran) to raise the age of marriage to 16 for girls and 18 for boys,²⁹ was presented in the parliament as the Prohibition of Child Marriage Bill but was not passed. Clerics, lawmakers, and conservatives condemned it for "contradicting with Islamic jurisdiction, current laws, and social norms."³⁰
24. We reiterate and support the concluding observations and recommendations of the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child (CRC Committee) on Iran, which have both called on the Iranian government 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"³¹ 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

²² *Iran registers 172 marriages of young girls between 5 and 9 years old*, <https://women.ncr-iran.org/2022/01/17/172-marriages-of-young-girls/#:~:text=Early%20marriage%20has%20turned%20into,girls%20under%2013%20years%20old>.

²³ <https://iranwire.com/en/news/115300-more-than-20000-iranian-girls-under-15-got-married-over-nine-months/>

²⁴ Iran Open Data, "Child Marriage in Iran: More than A Million Cases in Eight Years", online at: <https://iranopendata.org/en/pages/64e>

²⁵ Iran International, *Iranian Child Brides At Record Numbers*, 23 Nov 2021, <https://www.iranintl.com/en/20211123366358>

²⁶ NCRI Women's Committee, "Official statistics on early marriage in Iran, the tip of the iceberg of disaster", Aug 2021, online at: <https://women.ncr-iran.org/2021/08/23/official-statistics-on-early-marriage-in-iran-the-tip-of-the-iceberg-of-disaster/>

²⁷ Ibid

²⁸ Iran Wire, Official Statistics: One Fifth of All Marriages in Iran are Child Marriages, Apr 2022, online at: <https://iranwire.com/en/society/102678-official-statistics-one-fifth-of-all-marriages-in-iran-are-child-marriages/> ,

Also see: Child Marriage Grow In Numbers, online at: <https://women.ncr-iran.org/2021/12/02/child-marriage-is-encouraged-in-iran/>

²⁹ BBC Monitoring, *Child brides in Iran: tradition, poverty and resisting change*, Taraneh Stone, online at: <https://monitoring.bbc.co.uk/product/c200rxfl#section4>

³⁰ Iranian Student's News Agency, "Child marriage" under the knife of the opposition", online at: <https://www.isna.ir/news/97092713890/%DA%A9%D9%88%D8%AF%DA%A9-%D9%87%D9%85%D8%B3%D8%B1%DB%8C-%D8%B2%DB%8C%D8%B1-%D8%AA%DB%8C%D8%BA-%D9%85%D8%AE%D8%A7%D9%84%D9%81%D8%A7%D9%86> [Originally in Persian]

³¹ E/C.12/IRN/CO/2, 10 June, 2013, online at: <https://digitallibrary.un.org/record/751986?ln=en>

eliminate child marriages in line with the State party's obligations under the Convention." respectively.

25. The CRC Committee has further expressed concerns about the irreversible consequences of child marriage and recommended that Iran develop awareness programs targeting households, local authorities, religious leaders, judges, and prosecutors. Further, it asked the government to ensure that children who have been married can file complaints and seek divorce with financial compensation in addition to adding accountability mechanisms. In this submission, we fully support and reiterate the observations and recommendations of the CRC Committee.³²
26. The Iranian government, in its State party report in 2021, rejected international human rights law and their commitments under the ICCPR and submitted that it will not consider increasing the minimum age of marriage from 13 and 15 "due to the importance of the family in Iranian society" and "the general indecency of illegitimate sexual acts outside the marriage." According to the State 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 18.³³
27. However, laws that set the minimum age of marriage at 18 are an essential way to safeguard boys and girls from being married when they are not physically, mentally, 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.³⁴
28. Multiple harms are caused by child marriage, particularly for girls who are denied their rights to health, education, and development as a result. Child marriage can lead to mental and physical abuse and inter-generational harm, including complications during pregnancy, and can lead to maternal mortality.³⁵
29. In Iran, the underlying reasons for child marriage are poverty, harmful traditional practices, religion, so-called family honor, and forced displacement that causes a greater need for economic security and protection from violence.³⁶
30. **Therefore, we respectfully urge the Committee to make recommendations and urge the following with the Iranian government to:**
 - a. **Enact a law that specifies the minimum age of marriage for both girls and boys to be 18 years of age, without any exceptions.**

³² UN Committee on the Rights of the Child, Mar 14, 2016, CRC/C/IRN/CO/3-4, online at: <https://undocs.org/en/CRC/C/IRN/CO/3-4>

³³ UN Human Rights Committee, CCPR/C/IRN/4, 2021, Online at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FIRN%2F4&Lang=en

³⁴ <https://iranwire.com/en/news/115300-more-than-20000-iranian-girls-under-15-got-married-over-nine-months/>

³⁵ UNICEF, *Child Marriage And The Law: Technical Note For The Global Programme To End Child Marriage*, online at: <https://www.unicef.org/media/86311/file/Child-marriage-the-law-2020.pdf>

³⁶ Girls Not Brides, Iran, *What drives Child Marriage in Iran*, online at: <https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/iran/>

- b. Enact and implement laws and policies that meaningfully address the prevalence of child marriage in Iran, including addressing systemic concerns such as education, outreach and training to address social norms, economic hardships, and violence against women.**

Discriminatory criminal laws and regulations

31. Sex discrimination in laws, including personal status laws, negatively impacts the ability of women and girls to live with dignity and realize their most fundamental human rights. Discrimination under the law impacts women's and girls' everyday lives and leaves them unequal and unprotected. Discrimination based on sex is also a serious violation of the ICCPR and international human rights law.
32. Articles 199 and 209 of Iran's Islamic Penal Code provide that in cases of adultery and other sexual activity and where *diya*³⁷ is involved, the testimony of a woman is worth half that of a man.³⁸ Specifically, Article 199 prescribes the standard of proof for testimony in all offenses shall be two male witnesses, unless in cases of 'illicit sex outside of marriage' (*zina*) or various forms of homosexual sexual activity either between men or women (*livat*, *tafkhez* and *musaheqeh*) where four male witnesses are required.³⁹ To prove *zina*, punishable by the *hadd* punishment⁴⁰ of flogging, shaving [of head] and/or banishment, the testimony of two 'just' men and four 'just' women are considered sufficient. If the punishment provided is other than the above, testimony of at least three men and two women shall be required. In such cases, if two just men and four just women testify for the offense, only the *hadd* punishment of flogging shall be given. Bodily offenses punishable by *diya* shall also be proved by one male witness and two female witnesses.
33. Article 638 of the Islamic Penal Code states that women may be imprisoned or fined for failure to wear prescribed Islamic dress. Mahsa (Jina) Amini, a 22-year-old woman, died on September 16, 2022, whilst in custody of the "morality police"⁴¹ after she was arrested for not wearing the *hijab* properly. Her death sparked protests across Iran demanding "Woman, Life, Freedom"⁴² and calling for accountability in the face of increasing oppression and violence, including rape, killing, arrests, and violation of detainees. Two journalists Niloofar Hamedi and Elahe Mohammadi, who were among the first few to

³⁷ *Diya* are fines imposed under Shari'a for certain crimes.

³⁸ "Where, in financial claims such as *diya* 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."

³⁹ *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.

⁴⁰ *Hadd* is a punishment for certain crimes as specified under Shari'a.

⁴¹ "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.

⁴² Equality Now, YouTube [video], Nov 15, 2022, *Woman. Life. Freedom: Honoring the activism of Iranian women and girls*, online at: https://www.youtube.com/watch?v=AHM-Abu762Y&ab_channel=EqualityNow; Also see: Farsi version, online at: https://www.youtube.com/watch?v=cNdO86OGewk&ab_channel=EqualityNow

report on Mahsa Amini's death in police custody, were arrested are still behind bars and facing closed-door hearings.⁴³

34. A Human Rights Council Special resolution called upon the Iranian government to end all forms of violence and discrimination against women and girls in law and practice and is an essential step towards protecting human rights in Iran and eliminating legal discrimination that put Mahsa Amini and other women at deadly risk.⁴⁴ State-perpetrated violence against women through the enforcement of discriminatory laws must be prevented and eliminated.
35. In spite of the outcry both internationally⁴⁵ and domestically and despite Iranian women's engagement in a daring movement of civil disobedience upon the death of Mahsa Amini, the Islamic Republic of Iran is considering a draconian new bill on *hijab* that would enshrine harsher punitive measures into law.⁴⁶ This draft law includes 70 articles that propose to set out a range of harsher punishments, such as longer prison terms for women who go without headscarves in public to flout the mandatory *hijab* law, and more severe new penalties for celebrities who openly disregard the rules, and businesses and public service providers who cater to these women. The bill also proposes the use of Artificial Intelligence to identify women in breach of the dress code. The bill has thus far been passed from the Judiciary to the government, forwarded to the Parliament, and passed by the Legal and Judicial Commission. It has now been submitted to the Board of Governors, after which it has been decided for it to be considered in a Joint Commission,⁴⁷ based on Article 85 of the Constitution, as opposed to it being introduced on the floor of the Parliament. This repressive bill is yet another manifestation of gender-based persecution that would lead to darker levels of violations of the rights of women and girls while forcing the public, businesses and civil servants to effectively act as "police" to do the State's bidding.
36. This law and other laws and regulations, such as *the law of protecting those who command the good and forbidding the evil*⁴⁸ allow and empower the military and civil forces to violate women's rights with the support of the state and harass businesses and civil service providers into violating the rights of women by threatening their rights. These are all in violation of the principles of ICCPR. 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

⁴³ Committee to Protect Journalists, "CPJ condemns trials of Iranian journalists Niloofar Hamed and Elahe Mohammadi," July 24, 2023, online at: <https://cpj.org/2023/07/cpj-condemns-trials-of-iranian-journalists-niloofar-hamed-and-elahe-mohammadi/>, Also see BBC Persian, May 5, 2023, online at: <https://www.bbc.com/news/world-middle-east-65466887>

⁴⁴ 35th special session of the Human Rights Council on the deteriorating situation of human rights in the Islamic Republic of Iran, especially with respect to women and children, A/HRC/RES/S-35/1, online at: <https://www.ohchr.org/en/hr-bodies/hrc/special-sessions/session35/35-special-session>

⁴⁵ Equality Now, *Woman, Life, Freedom: A Statement Of Solidarity With Women In Iran*, online at: https://www.equalitynow.org/news_and_insights/women-life-freedom-a-statement-of-solidarity-with-women-in-iran/

⁴⁶ Islamic Republic News Agency, "The parliament entrusts the examination of the veil bill to the joint commission," online at: <https://www.irna.ir/news/85190362/>

⁴⁷ Ibid

⁴⁸ Approved by the Islamic Council on 23/01/2015

a religion or belief of his choice. Article 19 (1) also states that “[e]veryone shall have the right to hold opinions without interference.”

37. We welcome this Committee’s consideration and inclusion of the issue of discriminatory laws in its List of Issues (LOI) for Iran’s Fourth Periodic Report and the request to provide details on the measures taken to address excessive use of force by law enforcement against women who are arrested and detained for violating *hijab* law. The Iranian government, in their response to the LOI, has refused to acknowledge that they used force in the case of Mahsa Amini and that “her case is not in any way related to the use of force of any type, not even physical assaults during any stages of her interactions with law enforcement.”⁴⁹
38. 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.⁵⁰ The UN Human Rights Council established an Independent International Fact-Finding Mission on Iran in November 2022 to investigate the human rights violations related to the protests that began on 16 September 2022, especially with respect to women and children. In an oral update of the Fact-finding Mission on 5 July 2023, the Chairperson expressed concerns over the “reported use of facial recognition technologies to identify and arrest women and girls failing to comply with fundamentally discriminatory laws,” and reported that women and girl students “were being suspended from their studies for their defiance of the compulsory veiling law, while businesses were fined or closed for non-enforcement.” The Mission also reported that there are two draft bills which have recently been placed for consideration in Iran, which, if enacted into law, “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.”⁵¹ There remain sex discriminatory laws, and unfair and cruel treatment is meted out when detained for protesting the discriminatory laws.
39. We support the calls of the members of the Mission to stop the executions of individuals convicted in connection with the protests and for the full cooperation of the Iranian government with the fact-finding mission, including giving access to the judicial files, evidence, and judgments regarding each of the persons.
40. Iran remains one of only six countries that has not signed on or ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and one of

⁴⁹The Islamic Republic of Iran’s response to list of issues of the Human Rights Committee, Fourth Periodic Report, online at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2637&Lang=en

⁵⁰ Office of the High Commissioner of Human Rights, Iran Update on Human Rights, online at:

<https://www.ohchr.org/en/statements/2023/06/iran-update-human-rights>

⁵¹ Office of the High Commissioner of Human Rights, “Human Rights Council Hears Call on Iran to Stop the Execution of People Sentenced to Death in Connection with the Protests, and that Grave Crimes Are Still Being Committed in Syria”, 5 July 2023, online at:

<https://www.ohchr.org/en/news/2023/07/le-conseil-tient-un-dialogue-avec-la-conseillere-speciale-du-secretaire-general-pour>

the twenty-one countries that has not signed or ratified the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT).

41. Therefore, we respectfully urge the Committee to make recommendations and urge the following with the Iranian government to:

- a. 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.**
- b. Amend the Constitution, in particular, the preamble, Articles 2, 3, 4, 21, and Article 115 and abolish all regulations whereby women’s dress or behaviour in public or private life is monitored and controlled by the State agents.**
- c. Abolish *the law of protecting those who command the good and forbid the evil* that allow and empower 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.**
- d. Combat and end any State backlash from protests and reporting for women's rights in Iran and effectively protect women from all forms of violence, harassment, abuse, and torture.**
- e. 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.**
- f. 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.**
- g. Sign on and ratify the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT).**