



**Veiled and Wed:
Enforced Hijab Laws, Early
Marriages, and Girl Children in the
Islamic Republic of Iran**

Submission to the UN Committee on the Rights of the Child

71st Pre Sessional Working Group

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Justice for Iran

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About Justice for Iran (JFI)

Established in July 2010, Justice for Iran (JFI) is a non-governmental, not-for-profit human rights organization. It aims to give a voice to the voiceless.

The mission of JFI is to address and eradicate the practice of impunity that empowers officials of the Islamic Republic of Iran to perpetrate widespread human right violations against their citizens, and to hold them accountable for their actions.

JFI unravels the truth and seeks justice for ethnic and religious minorities, LGBTs, women, and those who are persecuted because of their political beliefs. To achieve its mission, JFI researches, documents, validates, and litigates individual cases. It further raises public awareness and participates in human rights advocacy both at national and international level.

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I. Executive Summary and Key Recommendations

1. Justice for Iran presents the following submission to the UN Committee on the Rights of the Child (the “Committee”) on the occasion of its 71st Pre-Sessional Working Group. This submission considers the status of the child in the Islamic Republic of Iran (“Iran” or the “Islamic Republic”) with respect to its obligations under international human rights law and provides a complementary view to the State’s laws, policies and practices that do not match the principles of protection as recommended by the UN Committee on the Rights of the Child and as laid out in the United Nations Convention on the Rights of the Child (the “Convention”).

2. Iran became a State party to the United Nations Convention on the Rights of the Child upon ratification on 13 July 1994. Furthermore, Iran is a State party to the Optional Protocol on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (ratification 26 September 2007), it is a signatory State to the Optional Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (signatory as of 21 September 2010), but it is not a party to the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure.

3. This submission addresses two general areas in which the Islamic Republic domestic codes and laws violate its ratification of the Convention including child marriage and compulsory Islamic veil (*hijab*).

4. The first is the harmful practice of early and forced marriages. On the issue of marriage, the Islamic Republic of Iran maintains that a child is defined in terms of Sharia laws. Accordingly, a boy child is defined to be below the age of 15 lunar years, or 14 years and 7 months, and a girl child is defined to be below the age of 9 lunar years, or 8 years and 9 months. This contradicts the definition of a child as set out in the Convention and violates its implementation at the national and local levels. According to the Islamic Republic civil code, the legal age of marriage in Iran is set at age 13 for girls and age 15 for boys. However, the same Act allows girls below the age of 13 and boys below the age of 15 to be wed, conditioned on the consent of their father and the permission of a judge.

5. Early and forced marriages affect thousands of Iranian girls. Official statistics released by the Islamic Republic between 2006 and 2013 involving girls below age 10, between the ages of 10-14 and between the ages of 15-19 in Iran indicate a staggering increase in marriages for all three age groups.

6. With regard to early and forced marriage, one alarming development is the amendment of the Bill on Protection of Children and Adolescents with No Guardian or Abusive Guardian that legalises marriage between an adoptive parent and the adopted child, pursuant to the permission of a judge. This means Iran effectively has removed a minimum age for marriage, exposing children to paedophilic and abusive relationships.

7. The second is the compulsory laws of hijab. Days after the establishment of the Islamic Republic, a new policy mandating Iranian women and girls to observe Islamic hijab was set in place. This policy continues to the present day, and has been applied to girls as young as 7, while Sharia laws explicitly set the legal age for hijab and other provisions at 9 lunar years. In this regard, Iran’s unjustifiable abuse of girl children violates the state’s international commitments.

8. In the case of enforced hijab rules, girls are obligated to observe the rules and can potentially be exposed to gender discrimination, physical and state-sanctioned psychological abuse and torture.

9. The pivotal factor in both cases remains a range of national codes and laws that violate the rights of girl children on a systematic and widespread basis. Furthermore, a close look at these codes points to a significant discrepancy between Iran's domestic laws and its international commitments.

10. In light of these and other findings and concerns, JFI urges the Committee to make the following recommendations to the Islamic Republic of Iran:

- Remove reservations conditioning the articles of the CRC that it may deem as contrary to Islamic Sharia or Islamic laws.
- Collect and make available to the Committee on the Rights of the Child disaggregated data on the number of girls in early and forced marriages, indicating (a) the age, ethnicity and geographic location of each married girl; (b) the social, economic, cultural and other circumstances that led to the marriage; (c) which court approved the marriage, and (d) whether the marriage has resulted in separation or divorce.
- Increase the minimum age of marriage to 18 for both men and women.
- Ensure that survivors of forced and early marriages are provided with effective remedies, including compensation and psycho-social and medical rehabilitation.
- Repeal all provisions of the Civil Code which discriminate against women in matters relating to marriage, divorce, child custody and freedom of movement, ensuring that women have equal rights, in law and practice, during the marriage and at its dissolution.
- Guarantee that children born to Iranian women are accorded Iranian nationality, irrespective of their father's nationality.
- Enact legislation to criminalise domestic violence, including marital rape, with appropriate and proportionate penalties.
- Repeal article 27 of the Law for the Protection of Children and Adolescents Who Either have no or Abusive Guardians which allows marriage between adoptive parents and their adopted child.
- Withdraw the Bill on Comprehensive Population and Family Excellence Plan which discriminate against women and girls and deny them control over their sexual and reproductive life, including the number and spacing of their children as well as over their career and other life aspirations.
- Ensure girls, including married girls, have access to primary and secondary education and that marital status is not used as a justification for denial of enrolment or expulsion.
- Repeal all laws and regulations that impose mandatory *hijab* on women and girls.
- Ensure that women and girls are not criminalized or otherwise penalized for appearing in public spaces without *hijab* or with clothing deemed inappropriate and "un-Islamic".
- Guarantee that children are not subjected to torture and other ill-treatment because of not having hijab or wearing improper clothing (*bad hijabi*).
- Identify, prosecute and punish all state and non-state actors that harass and assault children on account of their clothing and *hijab*.
- Provide reparation and compensation for girls who have been subjected to arbitrary arrest and detention, torture and other ill-treatment on the basis of mandatory *hijab* laws.
- End the requirement to observe *hijab* as a pre-condition for girls to enjoy their right to education and participate fully in cultural, artistic, recreational and leisure activities.

II. Early and Forced Marriage

1. General measures of implementation (Articles 4, 42, 44(6))

Concluding Observations, 2005

Legislation: *The Committee recommends that the State party take, as a matter of the highest priority, all possible measures to secure the final official approval of this new law and to ensure its full implementation. It further recommends that the State party continue to strengthen its legislative efforts by undertaking a comprehensive review of its domestic legislation so as to ensure its full conformity with the principles and provisions of the Convention.*

Data collection: *Establish a system whereby disaggregated data are collected on all persons under 18 years of age for all areas covered by the Convention (e.g. victims of abuse, children living in remote areas, children with disabilities, children of poor households, adolescent health), and use such data to assess progress and design policies and programmes to implement the Convention*

Independent monitoring: *The Committee recommends that the State party, in accordance with the Committee's general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, establish a statutory, independent institution, adequately staffed and resourced, with the mandate to determine priorities and regularly to monitor and evaluate progress in the implementation of the Convention.*

11. On 13 July 1994 the Islamic Republic ratified the Convention on the Rights of the Child. However, it did so by adding that “it reserves the right not to apply any provisions of articles of the CRC that are incompatible with Islamic Laws and the international legislation in effect.” This general and vague reservation has provided Iran with ample opportunities to violate the articles of the CRC since its ratification.

12. Iran's vague approach poses a challenge to the State's obligation to implement the Convention. It allows Iran to disregard any of the Convention's provisions, and merit domestic laws over international commitments in contradiction of customary international law, in accordance with Article 19(c) and Article 27 of the Vienna Convention on the Law of Treaties.

13. The Constitution of the Islamic Republic conditions all laws and commitments of the Republic to “Islamic criteria”, including the rights of the child as a legal subject, as reflected in Article 5 of the Convention and Article 16 of the ICCPR. This negatively impacts recognising the independent legal status of the child with regard to the age of majority and marriage.¹

14. Article 4 of the Constitution is immutable, and the Guardian Council, composed of 6 faqih (Islamic law experts) and 6 lawyers appointed by the Supreme Leader, ensures all articles of the Constitution as well other laws are based on Islamic criteria, leaving no room for non-conditional implementation of Iran's international commitments.

15. This article informs and influences the Islamic Republic judiciary and other legal bodies in charge of early marriages. For instance, in 2002 and later in 2013, the Guardian Council, charged with preserving the compatibility of civil laws and Sharia laws, prevented increasing the age of

¹ Sharia law is an essential source of legislation and according to Article 4 of the Islamic Republic constitution, “All civil, penal financial, economic, administrative, cultural, military, political, and other laws and regulations must be based on Islamic criteria. This principle applies absolutely and generally to all articles of the Constitution as well as to all other laws and regulations, and the fughaha' of the Guardian Council are judges in this matter. Please see: <http://fis-iran.org/en/resources/legaldoc/constitutionislamic>

marriage to 15 and legalised marriage between adoptive parents and adopted children.²

16. Furthermore, there is a failure to record all early marriages, as the number of unregistered marriages is far higher than those registered. Marginal and more traditional communities, where the practice of early marriages is more prevalent, often do not officially register marriages.³ This means the official statistics may not reflect the actual number of early marriages. Consequently, the statistics and figures of early marriages in this submission, obtained through official sources including national statistics published by the government of Iran, do not include unregistered marriages.

17. Although Iran has established a national body to monitor the protection and promotion of the Convention, a gesture welcomed by several Global South countries during the October 2014 UPR session on Iran, the “independent” nature of this body remains ambiguous at best. The National Centre for the Convention on the Rights of the Child⁴ is headed by the Minister of Justice, who in turn appoints the majority of members and officers. Out of 23 members, this body includes only 3 “independent” NGO representatives. Thus, the majority of marginal communities lack any enforced governmental mechanism for monitoring and controlling the practice of early marriage.

18. It is noteworthy that Iranian officials have denied that forced marriages take place. For instance, during his remarks at the United Nations session on Universal Periodic Review of Iran’s human rights record in October 2014, the head of Iran’s High Council for Human Rights denied the fact that official statistics published by his own government point to a steady increase in the number of early marriages. During the session, nine African, Asian and European states offered recommendations to stop early and forced marriage of girls and to increase the minimum age of marriage to 18. Instead of responding to the concerns on early marriages in Iran, the head of Iran’s delegation twisted the issue to focus on the *average* age for marriage among girls, which is higher than average in the region.

Recommendations

1. Remove reservations conditioning the articles of the Convention.
2. Ensure adequate data and all cases of early marriages, particularly unregistered marriages, are recorded.
3. Revise the provisions of the National Centre for the Convention on the Rights of the Child to ensure it and its members are independent.
4. Acknowledge the issue of early and forced marriage as an increasing problem and the State’s responsibility to end it.

2. Definition of the child (Article 1)

² See page 2 of the JFI submission to the United Nations Working Group on 1 Discrimination against Women in Law and in Practice available on-line at: <http://justiceforiran.org/wp-content/uploads/2014/01/JFI-Submission-WGD-20-01-2014-.pdf>

³ Please see JFI submission to the United Nations Working Group on Discrimination Against Women in Law and Practice available on-line at: <http://justice4iran.org/english/wp-content/uploads/2014/08/WG-Submission-Reproductive-Rightshealth.pdf>

⁴ Marja Melli Convention Hoghoogh-e Koodak, please see its constitution at: <http://rc.majlis.ir/fa/law/show/808437>

Concluding Observations 2005

The Committee has expressed deep concern over the age of majority, which is set at pre-defined ages of puberty for boys at 15 and for girls at 9, whereby boys from 15 to 18 years and girls from 9 to 18 are outside the protection of the Convention and its principles.

The Committee has also shown serious concern of the very low minimum ages (13 for girls and 15 for boys) and the related practice of forced, early and temporary marriages inconsistent with the best interest of the child. The Committee urged Iran in its previous concluding observations to take the necessary steps to prevent and combat forced, early and temporary marriages. In addition the Committee declared its concern of girls in institutions being married upon marriageable age (13) and also expressed its concern of the sale of young girls under 18 from rural areas facilitated by temporary marriages.

19. While according to the Convention the age of majority is at 18 years of age, Iran justifies this violation by its reservation subjecting its commitment to the Convention to its interpretation of Sharia laws.

20. According to a fatwa by the founding father of the Islamic Republic, Ayatollah Khomeini, whose ideology continues to influence the Republic's current policies, 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"⁵ is permitted. In that light, all laws in the executive, legislative and judicial branches of government are based on pronouncements or fatwas by the Supreme Leader.

21. The harmful practice of early marriage is still authorized in Iran in Article 1041 of Iran's Civil Code by which the legal age of marriage is 13 years for girls and 15 years for boys, violating the requirement of a spouse to grant free and full consent to marriage. It is contested whether a child below the age of 18 in fact has full maturity and capacity to provide free and full consent to marriage.

22. The same law allows girls below 13 and boys below 15 to be married on consent of their guardian and the permission of a judge, i.e. there is no legally enforced minimum age for marriage of children in Iran. Children can be legally married at any age, even in infancy, when a judge finds that it is beneficial to the welfare of the child.

23. Reports indicate that the Iranian parliament's legal affairs committee is pushing to lower the legal age of marriage for girls back to 9 years of age.⁶

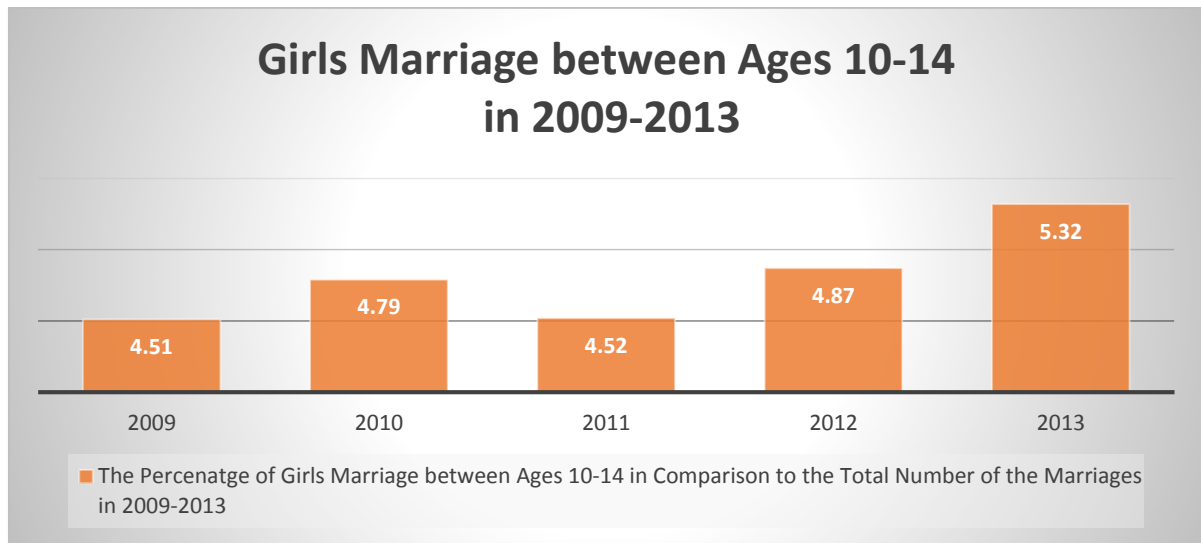
24. The practice of early and forced marriage is upheld, despite Article 1 of Iran's Child Protection Law, which states: "All individuals below the age of 18 shall enjoy the provisions of this law." Many articles in this Law clarify the protection of the aforementioned age group from any "exploitation" leading to "physical, mental or moral damage to the child endangering their physical or mental health," including marriage. However, since the legal age of marriage in Iran, according to Article 1041 of Iran's Civil Code is 13 for girls and 15 for boys, the practice of early marriage does not constitute "exploitation" of the child.

25. Official statistics by Iranian National Registry indicate that the number of marriages involving

⁵ See Tahrirul-Vasileh, Vol. 2, p. 241, Rouhollah Khomeini.

⁶ Please see: <http://www.telegraph.co.uk/news/worldnews/middleeast/iran/9500484/Alarm-as-hundreds-of-children-under-age-of-10-married-in-Iran.html>

girls below the age of 15 between 1385 to 1392 (2006-2007)⁷ and 2013-2014 were on the rise. In 1392 (2013-2014), 5.35%, or about 41,500 marriages involving girls below the age of 15, and 30.33 %, or 235,000 marriages involving girls between 15 and 19 were registered throughout Iran.



26. In 1392 (2013-2014), early marriages for girls between the ages 10-14 reached its highest figure in the last five years. More than 41,000 girls married between the ages 10-14, which makes 5.32% of the marriage rate in the country in that year. The rate for marriage under the age of 10 and has also increased in comparison to 1391(2012-2013) and 201 girls were forced to get married under the age of 10. Additionally, 235,000 marriages involving girls between the ages 15-19 have been registered and according to the data announced by official sources, in total, nearly 280,000 of new brides in 1392 (2013-2014) were under the age of 19.

27. The total numbers of marriages registered in Iran in 1392 (2013-2014) were 774,513 and 35.68% involved girls below the age of 19. During the same year, 221 girls below the age of 15 married men above the age of 35, and 474 girls between the ages 15 and 19 married men older than 40.

28. In 1392 (2013-2014), at least 313 boys below the age of 15 and 36,155 boys between the ages of 15 and 19 were married.⁸

Recommendations

1. Increase the minimum age of marriage to 18 for both men and women.
2. Urgently revise the Civil Code and other relevant legislation to prohibit marriage of girls below the age of 18 under all conditions, even when consent is provided.
3. Provide for sanctions against perpetrators of early and forced marriage, including guardians and judges who arrange or facilitate such marriages, and ensure the investigation of cases as well as the prosecution and punishment of perpetrators.
4. Ensure that survivors of forced and early marriages are provided with effective remedies, including compensation and psycho-social and medical rehabilitation.

⁷ The Iranian calendar begins on 21 March and ends on 20 March each year.

⁸ Please see: <http://justice4iran.org/persian/reports/girls-marriage-statistics/>.

5. Collect and make available to the Committee on the Rights of the Child disaggregated data on the number of girls in early and forced marriages, indicating (a) the age, ethnicity and geographic location of each married girl; (b) the social, economic, cultural and other circumstances that led to the marriage; (c) which court approved the marriage, and (d) whether the marriage has resulted in separation or divorce.
6. Ratify the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage without any reservation..
7. Ratify the Convention on the Elimination of Discrimination Against Women (CEDAW) without reservation.

3. General principles (Article 2)

Concluding recommendations 2005

The Committee recommends that the State party promptly review all its legislation to ensure that it is non-discriminatory and gender neutral and that it is enforced. Moreover, the State party should take effective measures, including enacting or rescinding, as appropriate, civil and criminal legislation to prevent and eliminate discrimination on the grounds of sex, religion and other grounds, in compliance with article 2 of the Convention.

29. National statistic shows thousands of Iranian children are living their lives as married girls.
30. A significant number of articles in Iran's family laws, as well as labour, criminal procedure, penal and civil codes violate the non-discrimination principle. Gender discrimination in family laws drastically affects the lives of married girls.
31. At the core of the Iranian legal regime governing the rights and responsibilities of women during marriage is Article 1105 of Iran's Civil Code, according to which "the position of the head of the family belongs exclusively to the husband." From this discriminatory arrangement has followed a range of restrictive and exclusionary laws that impair or nullify the recognition, enjoyment and exercise by women of their human rights and fundamental freedoms.
32. Article 1108 of Iran's Civil Code obliges women to fulfil the sexual needs of their husbands at all times.⁹ This is known as the requirement of *tamkin* (submission), which is defined as the duty of a married woman to respect and fulfil the right of her husband to unhampered sexual access. In return, the husband is obliged to provide his wife with maintenance.
33. Iranian law also allows men to nullify the right of their wives to leave the country. According to article 18 of the Passport Law, women need the written agreement of their husbands in order to be issued a passport. Men are entitled, under article 19 of the same law, to impose a travel ban on their wives and have their passports confiscated.¹⁰
34. Article 1117 of Iran's Civil Code allows a husband to prevent his wife from working in a profession or trade deemed "incompatible with the interests of the family or with his or his wife's dignity".¹¹ The courts may also consider a girl-wife pursuing her education as incompatible with the interests of the family or with her or her husband's dignity.
35. Article 976 of Iran's Civil Code denies women the right to pass on their nationality to children.¹²

⁹ <http://rc.majlis.ir/fa/law/show/92778>.

¹⁰ <http://rc.majlis.ir/fa/law/show/96904>.

¹¹ Ibid.

¹² <http://rc.majlis.ir/fa/law/show/92778>.

Citizenship is considered to be a “blood right” that can only be transmitted through the father. As a result, Iranian men who marry women of foreign nationality can pass on citizenship to their children but Iranian women who marry men of foreign nationality cannot.

36. Until 2006, children of Iranian women who had foreign husbands were not issued national identification papers and were deprived of access to education and primary health care. Since then, a new law has entered into force that allows children of Iranian mothers to apply for Iranian citizenship once they pass the age of 18 but only if their parents’ marriage is officially approved.¹³ As noted earlier, Iranian authorities implement harsh regulations that make it extremely difficult for Iranian women and Afghan men to register their marriages, leading many of these couples to enter into religious or traditional marriages. As of 2010, the Iranian government estimated that 32,000 such unofficial marriages had taken place between Iranian women and Afghan men. Children born out of these marriages continue to remain in legal limbo and experience daily realities characterized by discrimination, violence and absolute lack of entitlement, including to education and primary health care.¹⁴

37. Iran’s Civil Code violates the right of women to equal shares of inheritance in several serious ways. According to article 913 of the Civil Code, a surviving wife may inherit only one-quarter of his husband’s estate if the deceased left behind no children and one-eighth of his estate if the deceased left behind children. In the former case, the remainder of the estate goes to the government (article 949) while in the latter case, it is divided between the deceased’ children in accordance with article 907 of the Civil Code, which requires the inheritance of each brother to be twice as much as each of his sisters. By contrast, a surviving husband inherits one quarter of his deceased wife’s estate when there are children and the entirety of it when there are no children.

38. Iranian law discriminates between men and women by allowing men the exclusive right to be married to two permanent wives and as many as temporary wives. In an effort to restrict polygamy, articles 16 and 17 of the Family Protection Law of 1975 restricted the right of men to marry a second wife on a permanent basis to the following conditions: provision of consent by the first wife; inability of the first wife to perform her marital duties; failure of the first wife to be obedient to her husband; affection of the first wife with insanity or a serious incurable disease; conviction of the first wife; addiction of the first wife to harmful substances; abandonment of family life by the first wife; infertility of the first wife; and disappearance of the first wife.¹⁵ A punishment term of six months to one year of imprisonment has been defined for men who fail to register their permanent marriages in accordance with national legislation.¹⁶ Men do not, however, have to fulfill any substantive or procedural conditions in order to enter into temporary marriages. According to article 21 of the Family Protection Law of 2013, the registration of these marriages becomes mandatory only if the temporary wife becomes pregnant, or the parties make a mutual agreement and/or set registration as a condition precedent.¹⁷

39. Only those wives who are above the age of 18 are able to file a case which involves a financial matter before any court in Iran. Therefore, according to the laws, married girls below the age of 18 do not have the right to make file a complaint on family matters such as divorce, child custody, maintenance, and other matters, which may involves financial matters, reflect the violation of their rights within their marriage and family unit. Even then, Article 1130 of the Civil Code demands the wife proves she is enduring intolerable hardship, while Article 1133 simply allows the husband

¹³ <http://rc.majlis.ir/fa/law/show/97918>.

¹⁴ <http://rc.majlis.ir/fa/law/show/92778>.

¹⁵ <http://rc.majlis.ir/fa/law/show/97187>.

¹⁶ <http://rc.majlis.ir/fa/law/show/92683>.

¹⁷ <http://rc.majlis.ir/fa/law/show/840814>

to divorce his wife as he wishes by observing minimum standards such as alimony.¹⁸

40. The Iranian government is not just failing to undertake special legal reforms and practices to promote non-discrimination and gender equality but is, indeed, doing everything within its power to perpetuate, endorse and entrench traditional practices involving discrimination, coercion and violence against women.

Recommendations

1. Repeal all provisions of the Civil Code which discriminate against women in matters relating to marriage, divorce, child custody and freedom of movement, ensuring that women have equal rights, in law and practice, during the marriage and at its dissolution.
2. Remove the power of men to prevent married girls from obtaining education and work, including by revoking article 1117 of the Civil Code which allow men to prohibit their wives from working in certain trades or professions.
3. Guarantee that children born to Iranian women are accorded Iranian nationality, irrespective of their father's nationality.
4. Abolish the requirement of *tamkin* as a first step to ensuring respect for married girls' right to physical and mental integrity.

4. Violence against Children (Articles 19, 39, 37(a) and 28(2))

41. According to the United Nations Special Rapporteur on Contemporary forms of Slavery, Gulnara Shahinian, “[w]omen and girls who are forced to marry find themselves in servile marriages for the rest of their lives” and “are deprived of their genuine right to make their own choice for their future.”¹⁹ Furthermore, in a joint statement by UN officials marking the International Day of the Girl Child, early marriages involving this vulnerable population was identified as a means of slavery. They stated: “Girls who are forced to marry face a life of violence in the home where they are physically and sexually abused, suffer from inhuman and degrading treatment and ultimately slavery.”²⁰

42. Discrimination in law and practice as well as the lack of governmental protection has made a circumstance in which the married girls in Iran are the potential subjects of domestic violence.

43. Article 1108 states the wife has a “duty” of sexual submission and obedience (concept of *tamkin*) towards her husband. The failure of a married woman to comply with the wishes and commands of her husband by refusing, for example, to engage in sexual activity with him, constitutes *noshuz* (disobedience) and can disqualify her for maintenance rights. It can also constitute a legal ground for polygamy as well as assault and battery. This means if the wife resists sexual activities with her husband, he has the right to refuse to pay maintenance of food, clothing and housing, violating the right to an adequate standard of living, as well as putting child brides at risk of sexual torture, including marital rape.

44. This legal framework facilitates and sanctions the commission of sexual violence and marital rape against women, which has been recognized to fit the framework of torture and other cruel, inhuman and degrading treatment and punishment. Iranian government authorities must be held responsible for consenting to and condoning such discriminatory practices of sexual coercion,

¹⁸ Ibid.

¹⁹ Please see: <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12855&LangID=E>.

²⁰ Please see the statement at: <http://www.un.org/en/events/girlchild/2012/hrexperts.shtml>.

intimidation and punishment that are bound to cause feelings of pain, fear, anguish and inferiority in women and violate their right to respect for their human dignity and physical and mental integrity.

45. Articles 1005 and 1114 of Iran's Civil Code provide men with the exclusive right to determine the place of their wives' residence. A wife will be considered *nashbezeh* [disobedient] and unworthy of spousal maintenance rights if she leaves her husband's home against his will, even if it is for escaping a situation of domestic violence. This rule applies unless the wife can prove to the court that she faces a significant risk of bodily harm, threatening her life and personal safety.²¹

46. Iranian women do not enjoy equal right to divorce. A man is entitled to divorce his wife whenever he wishes, provided that he fulfils certain conditions such as paying his wife's alimony (Article 1133 of the Civil Code).²² A woman must, however, prove that she is enduring an intolerable level of difficulty and hardship in the marriage in order to be able to obtain a divorce (Article 1130 of the Civil Code).²³ Examples of such hardship include "the husband having a drug or alcohol addiction which damages the marital life, and which he refuses to quit in a period prescribed by a doctor ... the husband being sentenced to five or more years of imprisonment ... the husband mistreating the wife in a manner that is intolerable in her condition ... [and] the husband being afflicted with some incurable mental illness or contagious disease that disrupts the marital life."²⁴ In practice, women are frequently unable to obtain a divorce even when they meet the threshold of hardship described above because judges expect women to reconcile with their husbands and accept a certain level of physical and mental violence as a fact of family life.²⁵

47. In the absence of shelters for the victims of domestic violence, the majority of girl-wives lack access to services that help protect them. This void means many are forced to remain in their marriages, even at the expense of violence and abuse, which may lead to suicide or homicide.

48. Zahra, an 11 year-old girl, who wanted to become a journalist and defend "less fortunate girls" did not attain any of her wishes. Her father wanted her to marry a 35 year old. She was alone and helpless. When she resisted, she was beaten up. When she could no longer take it, she ended her life by taking brass beads in 2008.²⁶

49. Farzaneh Moradi was forced to marry her father's relative at the age of 15, and gave birth to her first child at the age of 16. At 19, she fell in love with a man named Saeed.²⁷ A year later, she was arrested and charged with the murder of her husband. She initially pleaded guilty to the charges but later changed her plea stating she had accepted the charges believing the late husband's parents

²¹ <http://rc.majlis.ir/fa/law/show/92778>.

²² <http://rc.majlis.ir/fa/law/show/92778>.

²³ Ibid.

²⁴ Ibid.

²⁵ Mohammad H. Nayyeri, Gender Inequality and Discrimination: The Case of Iranian Women (a Legal Commentary commissioned by Iran Human Rights Documentation Centre, 2013), p. 38-41, online: http://www.iranhrdc.org/english/publications/legal-commentary/1000000261-gender-inequality-and-discrimination-the-case-of-iranian-women.html#.Utxoh_30Dq0.

²⁶ Justice for Iran: Forced Girl Marriages: The Death of One's Reality, 2013, available at: <http://justiceforiran.org/wp-content/uploads/2014/02/JFI-FB-Girl-Marriage-in-Iran-EN.pdf>, p. 10-11

²⁷ <http://justice4iran.org/publication/call-for-action/english-farzaneh-moradis-hanging-scheduled-for-this-morning-now-delayed-for-a-month-justice-for-iran-demands-a-retrial/>

would forgive her for the sake of her child and let them live. She was hanged in March 2014 and was denied her last wish to see her daughter.²⁸

50. Razieh Ebrahimi was forced to marry at the age of 14 and gave birth to her first child a year later. In reaction to years of physical and emotional abuse at the age of 17 she murdered her husband and buried his body in secrecy. She was later arrested and faced with the sentence of execution.

51. During her statement condemning juvenile executions in Iran, with reference to the case of Razieh Ebrahimi, the former High Commissioner for Human Rights, Navi Pillay pointed out the fact that the victim was married “at the age of 14, gave birth to a child when she was 15, and says she was subjected to domestic violence.”²⁹ Her case stands as a clear example of what many Iranian girls who fall victim to this harmful practice can potentially face.

Recommendations

1. Enact legislation to criminalise domestic violence, including marital rape, with appropriate and proportionate penalties.
2. Exercise due diligence to prevent, investigate and punish acts of violence against women, including those involving marital rape.
3. Ensure that victims of domestic violence including girls who have been forced into early marriage have access to shelters staffed by qualified personnel.

5. Family environment and alternative care (Article 21)

52. The Islamic Republic policies violate measures that help prohibit or eliminate all forms of harmful traditional practices. This includes the Guardian Council’s move to request that the Iranian Parliament amend the text of Article 26 of the Bill for the Protection of Children and Adolescents Who Either have No or Abusive Guardians, in order to recognize the legitimacy of marriage between an adoptive guardian and an adopted child following the approval of a judge.³⁰ An initial draft of the Bill, which had completely banned marriage with adopted children, was not approved by the Council and it is feared that MPs introduced the condition for marriage to satisfy the jurists and clergymen.

53. Suggested by the Guardian Council, Article 26 of the Bill, was finally passed in September 2013, legalising marriage between parents and adopted children if a court approves. This move resulted in backlash in Iranian media and among citizens. According to Shiva Dolatshahi, the head of Society for Protecting the Rights of the Child (IRSPRC), this can “open a way in which the role of a father or a mother can be mixed with that of a spouse.”³¹ This move disregards Iran’s Family Protection Law.³² Furthermore, it is in violation of family environment and parental guidance in a

²⁸ <http://justice4iran.org/publication/call-for-action/a-former-child-bride-is-hanged-and-denied-her-last-wish-to-see-her-daughter/>

²⁹ See more at:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14780&LangID=E#sthash.0lMd5Qcg.dpuf>

³⁰ <http://rooznamehrasmi.ir/Laws/ShowLaw.aspx?Code=1344>

³¹ http://www.theguardian.com/world/2013/sep/26/iran-lawmakers-men-wed-adopted-daughters?CMP=twt_gu

³² Please see: Islamic Republic of Iran: Promoting Violence Against Children by International Coalition against Violence in Iran (ICAVI) available on-line at: http://www.ihr.org/ihr_article/violence-en_islamic-republic-of-iran-promoting-violence-against-children/

manner consistent with the evolving capacities of the child outlined in Article 5, as well as Article 21 of the Convention, outlining details pertaining to adoption, national and inter-country.³³

54. Officials in Iran have tried to play down the sexual part of such marriages, stating it is in the Bill to solve the issue of *hijab* (head scarf) complications when a child is adopted. An adopted daughter is expected to wear the *hijab* in front of her father, and a mother should wear it in front of her adopted son if he is old enough.

55. The approval of the revised article 26 from the Bill of the Protection of Children and Adolescents Who Either have No or Abusive Guardians, legalising marriage between parents and adopted children if beneficial for the child, violates the principle of freedom on the part of marital partners whose consensual agreement to marriage must be reached at 18 years of age.

56. Passing his new law may impair social and familial relations in Iran by leading to the normalization of incestuous practices and the promotion of sexual relationships with children (a practice conducive to violence against children and tantamount to paedophilia according to international laws) and places minors at greater risk for abuse in the name of marriage legitimised by Sharia law.

Recommendations

1. Repeal article 26 of the Law for the Protection of Children and Adolescents Who Either have no or Abusive Guardians which allows marriage between adoptive parents and their adopted child.
2. Hold accountable the judges who are directly responsible for the approval of forced child marriage cases. Other private actors, including the guardian of the adopted children, must be held accountable as well.

6. Disability, basic health and welfare (Articles 6(2), 24 & 24(3))

Concluding observations, 2005:

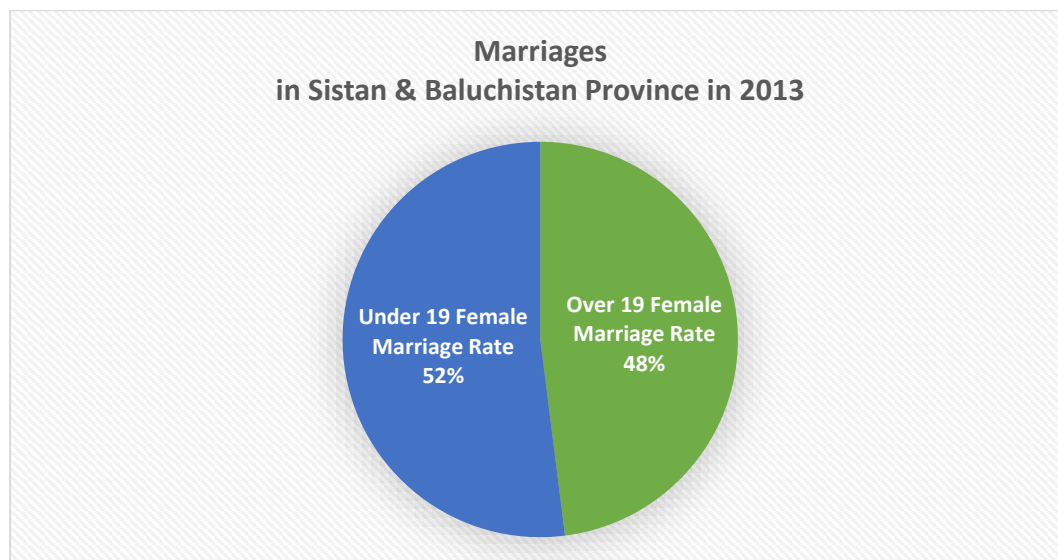
In the light of its general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child, the Committee recommends that the State party take measures to address adolescent health issues and develop a comprehensive policy to provide adolescents in both urban and rural areas with reproductive health counselling and services, including family life education, especially on the effects of early marriage and on family planning, as well as to prevent and combat HIV/AIDS and the harmful effects of drugs.

57. The practice of early marriage results in a high number of child mothers and has a negative impact on the reproductive health of girl children. The latest official statistics published by the National Registry indicate that in 2013, at least 1,329 girls below the age of 15 and 82,944 girls between 15 and 19 have given birth. In total, 84,273 women who became mothers in 2013 are below the age of 19, accounting for 7.82% of all births.

³³ Amendment to Article 26 reads as follows: "Marriage between the adoptive parents and the adopted child either during the period of custody or after is forbidden unless the court, after consulting the responsible organization, finds it beneficial to the adopted child." See full text at:

<http://rc.majlis.ir/fa/law/show/866926?keyword=%25D8%25AD%25D9%2585%25D8%25A7%25DB%258C%25D8%25AA%20%25D8%25A7%25D8%25B2%20%25DA%25A9%25D9%2588%25D8%25AF%25DA%25A9%25D8%25A7%25D9%2586%20%25D9%2588%20%25D9%2586%25D9%2588%25D8%25AC%25D9%2588%25D8%25A7%25D9%2586%25D8%25A7%25D9%2586>

58. 273 (13.4%) of these births in girls under 15 happened in Sistan and Baluchistan, where most of the population belong to the Baluchi ethnic minority, and where the majority of child mothers are found. During the following year, 462 births in this same province were to mothers below the age of 15, an almost 60% increase.



59. In his latest report published in October 2014, the UN Special Rapporteur on the Situation of Human Rights in Iran, Dr. Ahmed Shaheed, stated that “[a]t least 48,580 girls between 10 and 14 years of age were married in 2011, 48,567 of whom were reported to have had at least one child before they reached 15 years of age.”³⁴

60. Based on the latest statistics, the rate of infant mortality among mothers below the age of 15 remains the highest when compared to other age groups in Iran. Furthermore, 10% of infants born to mothers between 10 and 14 years of age die at birth or soon after.

61. Iran has published limited information on births among mothers below the age of 15. In this regard, an IRNA report refers to 4 births registered for 10 year-old mothers, 17 for 11 year-old mothers, 50 for 12 year-old mothers, 275 for 13 year-old mothers, and 1,289 among 14 year-old mothers in 1391 (2012-2013). According to this report, which is based on Iran’s official statistics, during the same year, 4,377 births among 15 year-old mothers, 10,637 births among 16 year-old-mothers, 19,881 births among 17 year-old-mothers, 31,494 births among 18 year-old-mothers and 43,925 births among 19 year-old-mothers were officially registered.

62. A range of new policies including the Bill on Comprehensive Population and Family Excellence Plan reinforces the stance of the highest authorities of the Islamic Republic 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.

³⁴ Please see full report available on-line at: <http://shaheedoniran.org/wp-content/uploads/2014/09/A-69-356-SR-Report-Iran.pdf>

63. The Bill on Comprehensive Population and Family Excellence Plan places massive restrictions on access to contraceptives and criminalises delivery of abortion-related medical services, measures that place greater restrictions on girl-wives' freedom to choose in cases of forced, unhealthy or unwanted pregnancies while encouraging marriage at the lowest ages.

Recommendations

1. Provide adequate state funding for family planning programmes to ensure that married girls have access to quality contraceptive goods, services and information.
2. Withdraw the Bill on Comprehensive Population and Family Excellence Plan which discriminate against women and girls and deny them control over their sexual and reproductive life, including the number and spacing of their children as well as over their career and other life aspirations.

7. Education, leisure and cultural activities (Article 28)

64. Civil Code Article 1105 stipulates that upon marriage, the husband is the head of family. In this light the husband has the right to deny his wife permission to access her right to education, should he deem her doing so as “incompatible with the interest of the family or with his or his wife’s dignity”³⁵

65. Islamic Republic school policies include references to the exclusion of married girls in day schools on a full-time basis. Article 45 refers to disqualification for attendance in day schools and transition to adult (evening) schools. Furthermore, articles and exceptions applicable to married girls, and those who have broken school rules and are subject to detention and expulsion, are one and the same.³⁶

66. Some of Islamic Republic policymakers are suggesting to revise national policies that limit secondary education for girls in order for them to complete formal education by 16 years of age in order to encourage early marriages for girls.³⁷

Recommendations

1. Ensure girls, including married girls, have access to primary and secondary education and that marital status is not used as a justification for denial of enrolment or expulsion.
2. Withdraw all drafts and proposals in Iranian Parliament which discriminate against girls and restrict their equal right to education.

³⁵ <http://rc.majlis.ir/fa/law/show/92778>

³⁶ <http://fars.medu.ir/Portal/File/ShowFile.aspx?ID=8cce6939-ec2f-48a6-bb17-95b5e22c5b3f>

³⁷ <http://www.roozonline.com/persian/news/newsitem/article/-52b7e6d99c.html>

III. Compulsory *Hijab*

1. General principles (Article 2)

Concluding Observations, 2005:

The Committee recommends that the State party promptly review all its legislation to ensure that it is non-discriminatory and gender neutral and that it is enforced.

Moreover, the State party should take effective measures, including enacting or rescinding, as appropriate, civil and criminal legislation to prevent and eliminate discrimination on the grounds of sex, religion and other grounds, in compliance with article 2 of the Convention.

67. Iran is the first country requiring girls and women of all background to observe *hijab* (Islamic veil) laws. *Hijab* is a part of school uniforms which girls as young as 7 have to wear. *Hijab* law violates not only the principle of non-discrimination, but also the fact that Sharia laws apply *hijab* laws to girls over the age of 9.

68. Ayatollah Khomeini, the first Supreme Leader of the Islamic Republic enforced the practice of *hijab* even before the inception of the Republic, by referring to women lacking *hijab* as naked and demanded that they observe Islamic *hijab* in public spaces.

69. An examination of Islamic Republic rules and regulations shows that the basic definition of *hijab* is that the hair and body of girls and women must be covered in their entirety with the exception of face and hands. Choices include complete veiling of the body known as *chador*, or an Islamic uniform, which include trousers, a long and loose overcoat and scarf.

70. *Hijab* laws apply regardless of the religious affiliation of citizens (e.g. Christians, Jews, Bahai's and Zoroastrians), violating the principles of freedom of expression and religion. The policy further constitutes zero tolerance toward any transgender or female-to-male person who may wish to express what is considered as "masculinity", and depriving females of their freedom and security.

80. According to Article 102 of the Penal Code, failure to observe *hijab* laws can result in arrest and a penalty of up to 74 lashes.³⁸ Failure to comply with this requirement can also result in punishment of "imprisonment between 10 days and two months or payment of 50,000 to 500,000 Rials."³⁹ As the age of criminal responsibility for girls in Iran is at the age of 9 lunar years, schoolgirls whose observance of *hijab* laws are deemed inappropriate, may be subject to this Article.

81. Increasingly, authorities adhere to a subjective and debatable definition of good and bad *hijab*, in particular, during the summer season, when due to seasonal heat, women may be inclined to wear clothes that may not fully cover their hair and body. In addition, fashionable or appealing clothing or tight outfits can account as bad *hijab*, punishable by law in the form of warnings, detention or fine payments. Consequently, standards have varied from time to time and most forms of fashion that are in season are considered violations of *hijab* and are, therefore, banned. This has facilitated the State's campaign to enforce *hijab* laws in schools and public spaces through

³⁸ See page 11 at <http://www.violenceisnotourculture.org/sites/default/files/Hejab-Report-JFI-English.pdf>

³⁹ cf. Article 638 of the Penal Code.

means of discipline and punishment, violence, arrest, detention, fines and lashing. A close examination of the Islamic Republic's *hijab* policies reveals the widespread and systematic nature of human rights violations of girls throughout Iran.

Recommendations

1. Repeal all laws and regulations that impose mandatory *hijab* on women and girls, denying them the right to freedom of expression.
2. Ensure that women and girls are not criminalized or otherwise penalized for appearing in public spaces without *hijab* or with clothing deemed inappropriate and “un-Islamic”.

2. Violence against children (Articles 37(a) & 28(2))

82. Islamic Republic laws can subject girls to arrest in cases involving the enforcement of *hijab*. It can also subject them to flogging as a form of punishment. Because of the low minimum age of criminal responsibility, girls as young as 9 years of age can be subject to these punishments, and be treated as adults. Such measures result in abuse and neglect (Articles 19 and 39 of the Convention) and violate the protection against torture and corporal punishment (Articles. 37(a) and 28(2) of the Convention).

83. The enforcement of *hijab* happens mostly by the police and Basij forces through severe oppression and violation by various methods as threats, arrests and assault on the street. These forces patrol the streets in marked cars, are known as guidance patrols and their hallmark remains their aggression and violence against citizens in public.

84. Females, including girls that are arrested and temporarily detained for violating *hijab* laws are held alongside criminals charged with drug offences and other forms of crimes, and are subjected to abusive treatment while in custody.

85. Arrest and ill treatment of girls below the age of 18 violates Articles 1 and 37 of the Convention.⁴⁰ Furthermore, authorities subject girls below 18 years of age to the same procedures as adults.⁴¹

86. The Islamic Republic has failed to provide statistics on the number of girls who have been subjected to punishment due to *hijab* laws. However, reports indicate that guidance patrols subject random female citizens, mostly school age girls, to random warnings or arrest.

87. In 1392 (2013-2014), more than 5,000 females were arrested and 50,000 warnings was given due to their clothing in three provinces. In a report published by Iran in 1389 (2010-2011) it was stated that 80% of those arrested for failure to comply with *hijab* laws were between the ages of 16 and 30, 0.8% were below 15, and 46.9% were between 16 and 20.

88. Alireza Afshar, the Social Deputy of the Minister of the Interior announced that 67% of citizens charged with “bad *hijab*” and arrested during the two months of April and May in 1389

⁴⁰ Article 1 states: “a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier” and Article 37 states: “No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment”.

⁴¹ This violates Article 37.C of the CRC which specifies “Every child... shall be treated... in a manner which takes into account the needs of persons of his or her age.”

(2010-2011) in Iran were between the ages of 16 and 20.⁴²

89. Colonel Reza Hosseini, the Chief Commander of Garmsar, announced that 82% of detainees charged with “bad *hijab*” during the first 6 months of 1386 (March to September 2007) were between the ages of 16 and 26.⁴³

90. Mahiar Ziayi, a female-to-male transgender was stopped on a motorcycle when she was seventeen years old and checked for weapons through body search. One of the police officers felt her breasts and realised she was biologically a girl. She was asked why she was not wearing *hijab*, then given a headscarf by another officers, and subsequently put in detained in the officers’ car and beaten until he felt numb. The abusive officers told her she had no right to go out without *hijab*.⁴⁴ (Please refer to Mahiar’s witness testimony in Appendix No.1)

Recommendations

1. End the harassment, abuse, arrest and detention of girl children by morality police and paramilitary basij forces which are mandated to enforce mandatory *hijab*.
2. Guarantee that children are not subjected to torture and other ill-treatment because of not having *hijab* or wearing improper clothing (*bad hijabi*).
3. Identify, prosecute and punish all state and non-state actors that harass and assault children on account of their clothing and *hijab*.
4. Provide reparation and compensation for girls who have been subjected to arbitrary arrest and detention, torture and other ill-treatment on the basis of mandatory *hijab* laws.

3. Education, leisure and cultural activities (Articles 28 & 31)

91. Islamic Republic *hijab* laws have directly affect the rights of girls to education, leisure, sport and cultural activities.⁴⁵ In fact, observing *hijab* is a pre-condition for girls to enjoy their basic rights at school and the other education and cultural and sport spaces.

92. Despite the fact that according to Sharia laws girls are subject to *hijab* after turning 9 years old, shortly after the establishment of the Islamic Republic, all girls above the age of 7, the official age for starting formal education in Iran, are forced by law to observe *hijab* laws.

93. Girls are required to attend school in Islamic uniforms composed of a long and loose coats with two pockets in the front, long sleeves, full-length trousers and headscarf in navy brown, blue or beige. This rule applies to all-female public spaces such as primary schools where all pupils, staff

⁴²http://www.radiofarda.com/content/F10_Arrest_Women_Tehran_Immodest_Dress_Kargar/2081540.html

⁴³ <http://www.roozonline.com/persian/news/newsitem/article/-b03822afe5.html>

⁴⁴ “Mahiar’s witness testimony states in: “Because I didn’t have a license, the police officer began checking me for weapons... He touched me and felt a ridge and noticed that I have breasts. He asked ‘What’s this bump doing here? Are you a girl?’ I said that I am. He asked, ‘What are you doing here? Why are you riding a motorcycle? Why aren’t you wearing Hijab?’ I said ‘I came here to learn how to ride a motorcycle.’ He said, ‘Don’t you know that you don’t learn this stuff here? It’s only been a few years since women have had permission to drive cars and you want to, not bike, but learn to ride a motorcycle?’... They took a headscarf and pulled it out of the car and handed it to me, telling me to put it on. They pushed me into the car and hit me without letting me speak. They hit me so many times in the face that I couldn’t feel my head. It was numb. I could only see them hitting me from every direction and nothing else. They said that I don’t have the right to go out without Hijab. They told me that I have to go through a mental health exam to see if my mental health is fine. They said that in their opinion, a normal person wouldn’t go out without a headscarf on when they know the law of this country. They told me that they’d have to arrest me straightaway.” Please refer to the full account on Mahiar in the Annex 1.

⁴⁵ <http://www.amnesty.org.uk/ghoncheh-ghavami-prison-iran-volleyball-protest#.VMwI5lrA7sE>

and administrators are female.



Newspaper announcement about the shape and colour of school uniform for girls in Kayhan Newspaper dated 24 July 1980.

94. Statistics published by the National Registry for the School year 2012-2013 indicates the number of female students as 3,328,079 in primary schools (7-11 year olds), 1,002,417 female students in middle schools (12-14 year olds), and 1,594,689 female students in high schools (15-18 year olds), all of whom are subject to compulsory *hijab*.

95. At school, forceful measures by school administrators and teachers, such as warnings or a reduction in marks, is a common punishment of female students throughout Iran, impeding their right to education.

96. JFI is in possession of reports which show that girls not only experience distress and abuse at school, but are also disqualified from exams and are even temporary expelled from school because of not having proper *hijab*.⁴⁶ (For further details, please refer to Appendix No. 2)

97. In addition, positive reinforcements, especially for those women who wear *chador*⁴⁷, are a means of forcing *hijab* on women. Certain schools, universities, government offices or employment in specific fields or management positions require complete veiling of the body known as *chador*.

98. Since September 2014, the “National Hijab Plan in Primary Schools” has been implemented in 18 provinces across Iran. This is a joint initiative of the Ministry of Education and the Rayhanatonnabi Hijab Centre based in Qom,⁴⁸ aimed at girls between 7 and 14 years of age. The Centre is an initiative of researchers and clergies at the Qom Seminary and has extended to many provinces of Iran. According to Mohammad Baqi, the Cultural Deputy of this Centre, trainers are female clerics.

⁴⁶ For further details, please refer to Annex 2.

⁴⁷ Muslim women use a large cloth, often black, that covers entire head and body. This is known as *chador*.

⁴⁸ http://rih.ir/?pid=111&id_sec=2&id_part=72&id_cls=101

99. The Plan brainwashes or “encourages” students to join the ranks of “protectors of hijab”⁴⁹ by wearing the *chador*, through offering special prizes in pro-hijab councils, festivities and demonstrations as well as academic, artistic and sports competitions.

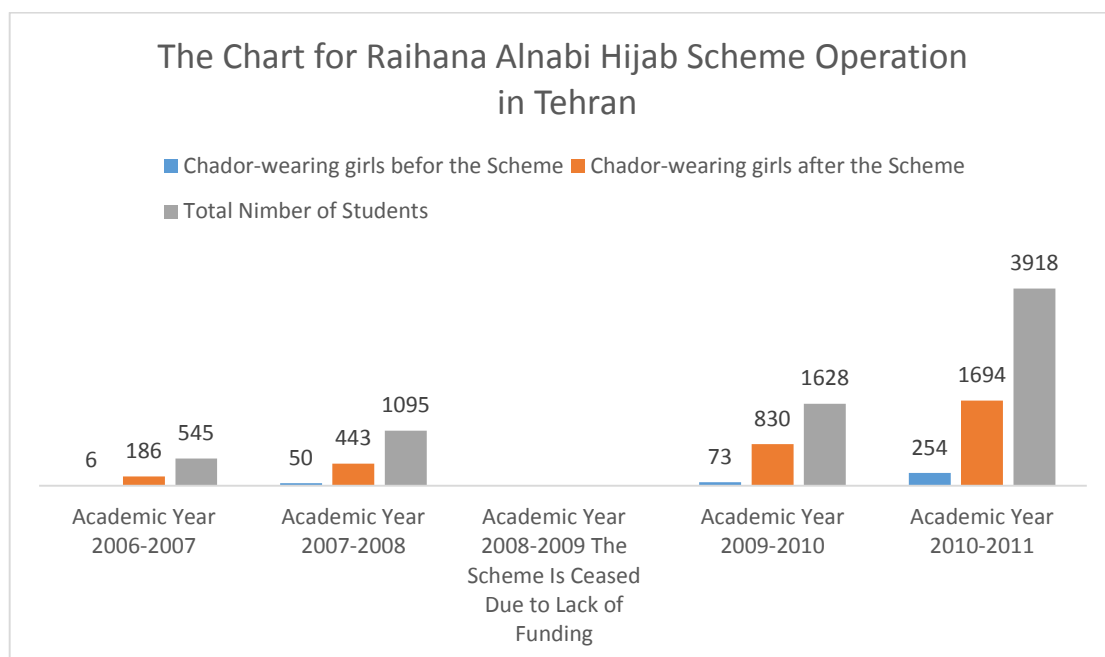
100. The head of the Research Division of the Centre has referred to the network this Plan benefits from and explained that participants are able to benefit from the Plan at any of its branches and take advantage of special discounts or complimentary access to city-wide resources such as sports facilities and museums.

101. In 1390(2011-1012) at least 19,000 girls below the age of 14 received training to wear *chador*.

102. The official website of the Centre has published statistics indicating in 1389-1390 (2010- 2011) alone, the number of girls wearing chador increased by 31.6%, meaning that from 258 girls at the beginning of the academic year to 1,694 at the end of the same year.

103. Between 1385-1390 (2006-2011), close to 44% or 3,153 out of 7,186 of girls whose schools includes this Plan were now wearing the *chador*.

104. Hojjatoleslam Ebrahimpour, the head of the Centre stated “during the 1392-1393(2013-2014) academic year the Plan was successfully implemented in 74 schools in Sari, Oroumiyeh, Isfahan, Shahinshahr, Kashan, Shiraz, Tehran and Qom. 124 female clerics delivered the curriculum to 19,829 primary students in 628 classes, resulting in an increase in the number of chador-wearing girls from 23.5% to 49.1%.

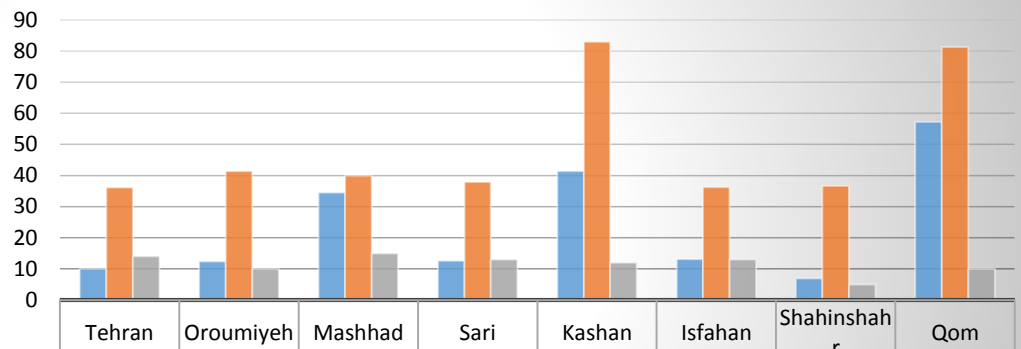


105. In 1392-1393 (2013-2014), 136 trainers covering 20,526 students in 650 classes at 77 schools in 9 cities resulted in increasing the number of chador-wearing girls from 7,012 to 15,693⁵⁰.

⁴⁹ http://rih.ir/?pid=112&id_sec=2&id_part=72&id_cls=101 .1

⁵⁰ http://rih.ir/?pid=112&id_sec=2&id_part=72&id_cls=101

The Chart for Hijab Scheme Operation in 8 Cities 1392-1393(2013-2014)



	Tehran	Oroumiyeh	Mashhad	Sari	Kashan	Isfahan	Shahinshahr	Qom
■ The Percentage of Chador Wearing Girls before the Scheme	10	12.4	34.5	12.6	41.4	13.1	7	57.2
■ The Percentage of Chador Wearing Girls after the Scheme	36.2	41.4	40	37.9	83	36.3	36.7	81.3
■ Total Number of Schools	14	10	15	13	12	13	5	10

106. Since 1981 harassment and abuse of girls due to *hijab* laws have infringed on their rights in spaces and activities that pertain to their education, leisure and cultural activities. In recent years the government’s ‘social security expansion plan’ has enabled officials to interrupt concerts, shut down cafes, disrupt food festivals and refuse entry to citizens on grounds of hijab violations.⁵¹

107. This blanket policy has far reaching implications in terms of limiting children’s rights in several ways. For instance, girls who may wish to take part in sports that are typically dominated by men, or require clothing that may not full cover their bodies are not afforded the right to participate.

108. In an interview with Rooz On-line, Kimia Moradi, a 16-year-old chess champion, was arrested in 2012 on grounds of bad hijab. This was used as grounds to refuse Kimia a chance to enter the chess championships. She explains that in her experience she has never completed a game without worrying about hijab warning. She sought asylum in Norway that same year. Although she had not missed a championship since the age of 6, Iran’s Chess Federation officials informed her she would be banned from participating in world championships due to ‘moral problems’.⁵²

Recommendations

1. End the requirement to observe hijab as a pre-condition for girls to enjoy their right to education and participate fully in cultural, artistic, recreational and leisure activities.
2. Dismantle discriminatory government plans including the Plan for Expansion of Social Security that authorize officials to deny girls permission to enter leisure and cultural facilities on account of their appearance and choice of clothing.
3. Ensure that all girl athletes can enjoy their right to sport without facing discrimination and restriction because of mandatory *hijab* and other dress code requirements

⁵¹ Please see relevant section on this topic starting on page 41 in JFI report on hijab available on-line at: <http://www.violenceisnotourculture.org/sites/default/files/Hejab-Report-JFI-English.pdf>

⁵² <http://www.roozonline.com/persian/news/newsitem/archive/2012/december/20/article/16-31.html>

IV- Appendices

Appendix 1: The case of Mahyar Ziyai

Mahiar Ziayi, a transgender, says in her witness testimony that in 2001 she was stopped by the police whilst wearing 'boy' clothing and riding a motorcycle. They wanted to check her driver's license. However, when they realised that she wasn't a man but in fact a woman without Hijab, mayhem was brought upon her.

Mahiar, who was seventeen years old at the time, says: "Because I didn't have a license, the police officer began checking me for weapons through a touch test. He touched me and felt a ridge and noticed that I have breasts. He asked 'What's this bump doing here? Are you a girl?'. I said that I am. He asked, 'What are you doing here? Why are you riding a motorcycle? Why aren't you wearing Hijab?' I said 'I came here to learn how to ride a motorcycle.' He said, 'Don't you know that you don't learn this stuff here? It's only been a few years since women have had permission to drive cars and you want to, not bike but learn to ride a motorcycle?' He said that I'm a girl and told the others to send me to get a headscarf and wear it. They took a headscarf and pulled it out of the car and handed it to me, telling me to put it on. They pushed me into the car and hit me without letting me speak. They hit me so many times in the face that I couldn't feel my head. It was numb. I could only see them hitting me from every direction and nothing else. They said that I don't have the right to go out without Hijab. They told me that I have to go through a mental health exam to see if my mental health is fine. They said that in their opinion, a normal person wouldn't go out without a headscarf on when they know the law of this country. They told me that they'd have to arrest me straightaway."

Thirty-Five Years of Forced Hijab (Farsi version), JFI, March 2014, p 33: <http://justice4iran.org/wp-content/uploads/2014/03/Hijab-report-Final-FA.pdf>

Appendix 2: Children who are forced to have *hijab*

While some official reports from Iran indicate and confirm the arrest of girls under 18 years of age (and even ages under 12) due to the lack of Hijab, which recorded experiences, also determine the forcing of Hijab onto children.

Roshanak Moradi states her first encounter with forced Hijab like this: "My first encounter was when I was ten years old. My uncle and my cousin had come from Denmark and suddenly, we all wanted to go to Darband. We were all having fun when a man who was a soldier or something and was carrying something like a gun, started to nag at me. Obviously, a ten-year-old child wouldn't wear a headscarf or a 'manto'. I was tall but I was only ten. I don't know what happened but in just a moment, my whole family, my brother; uncle; sister, were all arguing with the soldier and they had their guns pointed at us. I was speechless and all I could do was stare at them out of fear. I don't remember how this situation concluded but I remember well that my mother, who hated wearing Hijab, took me to a clothing store and bought me a 'manto' and told me that they would leave me alone this way."⁵³

Anna Irani who was nine years old at the time of the revolution in Iran, talks about the time when headscarves were made mandatory in girl schools and the fear and anxiety of her family when she could've been arrested as a child because she went out without a headscarf or pulled it back as my as she could: "I can still see the terrified and worried look in my seven year old brother's eyes. He was begging my mother to make me pull my headscarf forward, lest the patrol officers catch me, lest I get punished at school. My dad told me, 'Come one, don't make us deal with these pimps'. I can still feel my mum's stress and anxiety. Other than that, I don't remember much else. I was thirteen when they took me out of Iran."⁵⁴

For some girls, compulsory Hijab starts with the threats to ban them from using public facilities and so **Hama Ayess** says: "I was in my first year of middle school or around then. I had a small body and my short hair made me look similar to a boy. I looked so much like my brother who is two years younger than me that nobody doubted it. Once, around that time, we were at the airport and the gate officer told my mum that they wouldn't allow me on the plane next time if I don't wear a headscarf."⁵⁵

Mehdiah Aghili also talks about the difficult situations in girl schools when Hijab was made mandatory and the violent behaviour of school staff to contain Hijab at the schools: "In middle school, we had a really irritating and unpleasant moderator who was really sensitive about Hijab. When I was in my first or second year, she cut the front of my hair. One day, I was standing in line and minding my own business when I saw the moderator's hand and my tears fell automatically because of the stinging on my skin. This woman had pulled my hair in the most painful way that it (my hair) was pulled out. And then she showered me with cursing so much that I felt humiliated and I can never wipe it away from my memory. My soul's been strangely damaged since that day and still is today. My mother told me that I knew the moderator and therefore, I should've hidden my hair. I wondered why my mother thought that it was my fault."⁵⁶

Forcing Hijab onto girls isn't always done in a violent manner. In fact, as **Tara Abadyali** says, it puts children's minds under pressure in more varied and deeper ways. Tara tells us about her

⁵³ https://www.facebook.com/events/216914875173872/permalink/217441648454528/?stream_ref=2

⁵⁴ https://www.facebook.com/events/216914875173872/permalink/217193771812649/?stream_ref=2

⁵⁵ <https://www.facebook.com/events/216914875173872/permalink/217210141811012/>

⁵⁶ <https://www.facebook.com/photo.php?fbid=10201721308174942&set=gm.217005828498110&type=1>

experience in primary school where chador was a part of their uniform: "In 1994, I enrolled in Shahed Primary school in Ahvaz where chador was a part of the uniform. Until that day, I hadn't ever thought about Hijab and religion so carrying my books and school bag whilst wearing a chador was torture for me. I had never been taught religion at home and I never wore a headscarf outside but the rules of my new school made my mother saw a small chador for me. The school's moderator's checked that we had our chador on while leaving and entering the school. At first, I would hold my chador and put it on when getting out of the car that the school provided but after many warnings, I found out that every car had their own volunteer who would report the pupils who were 'bad-Hijab'. When I wore my chador over my backpack, I would look like an old woman with a hunchback but I got used to it after a while. If a visitor, guest or inspector came knocking on our door, everybody would run to a corner to put on their chadors lest 7-9 year old children in 'manto' and headscarves were 'sexually alien'. These things slowly became normal to me and the entry of men in the school made me feel nude. Three years later, I changed my school but I still felt obligated to keep my chador. The (new) teaching environment and friends made me put aside the religious teachings slowly and I'll never miss those days."⁵⁷

Zooya Daryayi was one of the girls who was removed from the high school entry interviews because of her honest answer to the question, 'Do you have Hijab in front of the opposite sex during family gatherings? She was ranked first in all her exams yet her test scores couldn't get her into her desired high school⁵⁸.

⁵⁷ https://www.facebook.com/events/216914875173872/permalink/216946805170679/?stream_ref=2

⁵⁸ <https://www.facebook.com/photo.php?fbid=10202532243120130&set=qm.217312725134087&type=1>