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*Mission Permanente
de la République Islamique d'Iran
auprès des Nations Unies
et des autres Organisations Internationales à Genève*

In the name of God, the Compassionate, the Merciful

N°2050/8517

The Permanent Mission of the Islamic Republic of Iran to the United Nations Office and other International Organization in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and with reference to the note: OL IRAN 24/2015 dated 17 December 2015, has the honor to submit, herewith, the replies of the I.R Iran with regard to the issue of Communication from Special Procedures.

The Permanent Mission of the Islamic Republic of Iran to the United Nations Office and other International Organization in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights, the assurances of its highest consideration.



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IN the Name of God

***Responses to the communication from
“Working Group on Discrimination against Women in Law and in Practice”
Dated 17 December 2015***

Islamic Republic of Iran

February 2016

Introduction

The Islamic Republic of Iran has been committed to the protection of women's rights and the promotion of their empowerment since we believe the sustainable development is impossible unless it is comprehensively embodied in our national vision, strategies, policies, and programs.

Iran's Constitution explicitly declares "the abolition of all forms of undesirable discrimination and the provision of equitable opportunities for all, in both the material and intellectual spheres" (Article 9 (3)). And, it asserts that "All citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria" (Article 20).

*Gender equality and non-discrimination has been implied by all national strategic documents: the **Sixth National Development Program (2015)** confirms "the improvement of women's social status and the guarantee of their enjoyment of their full legal rights". The strategic **Perspective Document for 1404 (2025)** also visions Iranian men and women alike to have "the health, welfare, judicial security, social security, equal opportunities, proper income distribution, secure family foundation, far from poverty, corruption and crimes ,and having favorable living environment".*

To put this national ideal into practice, Iran has put its efforts to improve the status of women both in legislative and practical domains as follows:

- 1. In case of **avoiding the early marriage**, the minimum age of marriage has increased into 13 for girls and 15 for boys. To marry girls under this minimum age, it is the competent court that has the authority to decide about the girl's best interest; otherwise, the underage marriage is criminalized by the "Protection of the Family Law".*

It is worth to point out that the development of the Iranians style of life, in terms of education, health, and social and economic conditions, the girls are generally enjoy enough family and social support to decide on their marriage at a

proper age. For Iranian girls whose entrance into university precedes boys today (60% vs. 40%), early marriage has no attraction anymore.

Nowadays, girls normally marry at ages above 18; however, there are girls, particularly in the countryside and villages, who are motivated by their native cultures to marry before 18. No force in any condition, by family or any other resources of social power, is given the legitimacy to impose early marriage on girls in Iran. Simultaneously, one code of conduct does not fit all. The change is efficient when it develops from within rather than imposed from outside. The age of maturity in different places, the native customs people feel relaxed with or even girls' individual will to marry soon are not factors to be easily neglected in some rural areas.

2. A great deal of probable **inequality between spouses** is provisioned to be controlled based on defining strict conditions for men at the **Marriage Contract**.

Marriage contract in Iran is from the most detailed and precise documents that enables women to determine a variety of conditions, legally signed by men, as a source of determination and commitment during their marital life. At least 12 of basic conditions are set by default in the Contract document, though, the woman enjoys the right to add her other personal conditions, as well.

Some of the mentioned conditions include:

A) The Woman's right to determine:

- The place of life;
- Her right to education after marriage;
- Her right of working outside home;

B) The woman's right to divorce in the condition that the man:

- *Refuses to pay alimony or to conduct his duties toward his wife for six months;*
- *Mistreat and abuse his wife as she can't tolerate his behavior;*
- *Man's communicable or incurable diseases that may badly affect the wife;*
- *Man's serious mental disorder or madness;*
- *Man's employment in a job which is not suitable for her or her family's honor;*
- *Man's judicial sentence from minimum five years;*
- *Man's serious addiction to drugs;*
- *Man's leaving household for six months;*
- *Man's infertility;*
- *Man's polygamy without his first wives' permission;*

This list can be extended according to woman's will to add any other conditions.

3. Regarding women's right to divorce, once men had enjoyed the free and full access to divorce, today, but many things has changed positively in benefit of women. As already, mentioned, Iranian women's right to divorce is considered beyond the conditions they may determine at their contract of marriage. Some other legal provisions to facilitate women's access to the court are as follows:

- *The "Protection of the Family Law"(2013) has assigned special courts for family affairs and has obliged them to employ women judges in order to facilitate the access of women to justice preserving their right to divorce.*

- The "Protection of the Family Law" (2013) provided women with the opportunity to request for divorce at her place of residence, regardless of the place of men's residence or their common house postal address.

- The "Protection of the Family Law" (2013) has made the Family Court obliged to consider the woman's request for divorce and provide her with an official lawyer in her economically poor situation.

4. The **Custody of Children** brings serious responsibilities for mothers and the "Protection of the Family Law" (2013) provisions to enforce fathers to pay sufficient on-time alimony to shelter mothers. If the man refuses the right conduct, the court immediately and with no complicated procedure confiscates men's properties in benefit of the mother.

5. Restrictions on **polygamy** are resourced from its cultural and social unfavorable image. The legal and judicial provisions also enrich to prevent polygamy as the "Protection of Family Law" (1975) makes polygamy conditioned into the court's official permission. The court also only declares its agreement in particular conditions such as:

- First wife's consent;
- First Wife's inability to conduct her marital obligations;
- The first wife's serious mental disorder, madness and incurable complications;
 - The wife who is put in terms of a court sentence of minimum five years;
 - The wife's addiction;
 - The wife's infertility;

- *The wife's disappearance or unarranged long-term leaving home.*

6. To preserve women's right to inheritance,

To comprehend the inheritance structure as a form of allocating economic resources to men and women, two points shall be taken into consideration:

First, the Islamic law protects women's original right to inheritance as parents and husbands have no right to deprive women from their rights.

Second, women are guaranteed the full economic coverage by their male relatives by the Islamic law. The economic security is an indisputable challenge for women all around the world and women's "economic suicides" during the economic crisis well reveals this fact. Fragmenting cultures and evaluating their components torn apart does not sound efficient criteria for their evaluation. Inheritance is part of a larger economic system in which man's inheriting more in amount is devised to afford his female relatives such as his wife, daughters, and mother with no worrying about their expenses of livelihood. It, thus, cannot be necessarily a sort of development to replace this substantial sense of accountability in men with an individualist allocation of material resources with simultaneous back-breaking economic responsibilities for women. To see the Islamic law and its system of responsibilities and duties as a whole can be definitely significant in this regard.