**The Islamic Republic of Iran’s submission**

 **regarding the call for input issued by the Office of the United Nations High Commissioner for Human Rights on “the issue of child, early and forced marriage”, pursuant to General Assembly resolution 75/167 and Human Rights Council resolution 41/8.**

***February 2022***

In the Name of God, the Most Compassionate, the Most Merciful

Pursuant to the call for input issued by the Office of the United Nations High Commissioner for Human Rights on “the issue of child, early and forced marriage”, pursuant to General Assembly resolution 75/167 and Human Rights Council resolution 41/8, the Government of the Islamic Republic of Iran has the honor to hereby submit its comments to the raised issues.

**I. A Comprehensive report to the General Assembly on Progress made towards ending CEFM, including in the context of the Covid-19 Pandemic:**

Measures adopted by the Islamic Republic of Iran in ending "early and forced marriage", particularly in the context of the Covid-19 Pandemic, are as follows:

* As far as the legal provisions are concerned, Articles 1064 and 1070 of the Civil Code consider the "intention" and "free consent" of the girl and the boy as a prerequisite for the validity of a marriage.
* Article 1041 of the Civil Code subjects the marriage of girls under 13 and boys under 15 to the simultaneous fulfillment of three conditions: the father's permission, expediency of child and approval by the court. However, in addition to training judges, efforts are being made to prevent such marriages from registration.
* According to Article 45 of the Family Protection Law, judicial authorities are required to consider the best interests of the child as the most important priority in any decision regarding children; For example, in issuing permits subject to Article 1041.
* According to Article 50 of the same, should a person marry a girl under the age of 13 having failed to observe the three conditions set forth in Article 1041, he will be sentenced to imprisonment. If the girl sustains physical and psychological harms, the husband will be forced to compensate for the damages and, accordingly, his incarceration term will be intensified; furthermore and as provided by Article 50, if a girl's parents, her legal guardian or custodian are involved in the unlawful marriage, they will be sentenced to criminal punishment, and according to Article 56, if the notary public is found to be registering a marriage contrary to Article 1041 Civil law, they will be prosecuted.
* In the bill on Protection of Dignity and Safeguarding Women against Violence, forcing a girl child to marry by the father or her legal guardian is criminalized.
* In terms of adopting practical measures to prevent early marriage for children under 15, two-page birth certificates are issued that take into account only the personal and local details of the registration of the death and do not include registration space for any other event such as marriage. As a result, the applicant for such a marriage must go to court to replace the birth certificate and obtain a marriage permit (maturity certificate).
* There are numerous legal and enforcement guarantees to prevent early or forced marriages, which have also been put in practice through periodic inspections and legal strictures. In addition, given the importance of the family in Iranian society and the general perception of obscenity of engaging in extra-family sexual practices, the legislature enters into the debate for any natural need, and therefore adult marriage under 18 cannot be altogether thrown out of court (which is in contrast to some countries that require legal marriage at the age of 18 but allow for free sex at a much younger age. Such restrictions, as clearly manifested in Western countries, lead to early fornication, stronger pains and loss of adolescent women's rights due to increased unwanted pregnancies and higher abortion rates among adolescents and consequential social pressures). The registration of such marriages is also processed in order to protect the rights of women as also the children borne from such marriages. Declaring these cases completely illegal would just promote the occurrence of unregistered marriages based on tribal traditions that eventually deprive women and their children of their legal protections.
* *Holding specialized meetings:* The National Authority for the Convention on the Rights of the Child arranged about 31 specialized meetings on child rights in provinces across the country to draw the attention of all officials and stakeholders to the issue of children's rights and synergy between agencies, as well as monitoring injuries that threaten children. Based on the challenges in each province, various issues and problems of children, including problems related to early and forced marriages of girls in the province in question have been examined as well as the issues raised in the presence of relevant stakeholders have been resolved or followed up.
* *Holding seasonal schools on children's rights:* In addition to specialized meetings, the National Authority has organized quarterly schools for children's rights in different provinces with the aim of educating and promoting children's rights and introducing the issues, problems and challenges faced by children. These seasonal schools aim to promote the adequate understanding of officials, administrators, parents, teachers, experts and welfare workers who play a pivotal role in the field of children's rights. One of the topics discussed in these sessions was "early and forced marriage of children", which was discussed along its consequences in these schools. Given that NGOs have invariably been one of the powerful arms in providing services to vulnerable groups, one of the main approaches of the National Authority for the Convention on the Rights of the Child in implementing its mission statement has been increased cooperation with and empowerment of NGOs. Pursuant to Section D, Article 4 of the Rules of Procedure of the National Authority for the Convention on the Rights of the Child, approved by the Council of Ministers, three NGOs dedicated to child rights or human rights and active for at least three years are elected during a democratic process by the organizations themselves to actively participate in the Coordination Council and its specialized working groups. The National Authority supports NGOs active in this area and has acquired their views and experiences in advancing its programs, including on ending "early and forced marriage."
* In order to decentralize and expand the field of services, the National Authority, in coordination with the Ministry of Interior, the Women's Affairs and Family Affairs Offices of the governorates (until 1399) and from this year, the social affairs offices will act as the corresponding provincial authorities. They are in charge of monitoring the implementation of children's rights at the provincial level and being tasked with reviewing the status of early marriages and reporting on cases in the provinces for good measures.
* Pursuant to Article 4 of the By-Laws of the National Authority of the Convention on the Rights of the Child, adopted in 2012 and to monitor and establish coordination among all executive bodies, the Authority Coordination Council chaired by the Minister of Justice and 16 related executive bodies has been formed.
* Among the council's tasks is to investigate reported child rights violations, as well as to develop strategies for protecting children's rights and to approve policies and programs to promote children's rights. So far, several meetings have been held on "forced and early marriage of children" and addressing the problems of these people.
* Also, according to Article 9 of the By-Laws, the National Authority has four working groups: Monitoring and Evaluation, Legal and Judicial, Education and Information, Support and Coordination, which are formed on various issues, including the issue of forced marriage of children. The approvals will be discussed and followed up in the meeting of the Coordination Council.
* the National Authority set up child rights clinics throughout the country to provide assistance to all children in need of counseling services, their families and those in contact with children, legal empowerment of children or their families, development of a culture of child rights, counseling and psychological support for vulnerable children and promoting the culture of child rights and supporting him, These clinics are non-profit, non-political, voluntary, non-governmental, scientific and non-governmental organizations derived from the people, established to fulfill the social duties of the scientific and civil society; This is to help girls become aware of the consequences of early marriage through counseling and psychological services.
* As the national authority responsible for the implementation of the Convention on the Rights of the Child, the Ministry of Justice is responsible for compiling a five-year periodic report on the implementation of the Convention and the relevant protocols to the UN Committee on the Rights of the Child. In this regard, the "Fifth and Sixth Five-Yearly Periodic Report" on "Sales, Prostitution and Pornography" has been compiled, which also deals with "early and forced marriage" and will be sent to the Committee on the Rights of the Child soon. It should be noted that the national report of the Islamic Republic of Iran last year in connection with the implementation of the protocol "Sale, prostitution and pornography" also addressed the issue of forced and early marriage.

**II. A Report to the Human Rights Council on Progress, Gaps and Challenges in addressing CEFM and Measures to Ensure Accountability**

*Measures implemented at the national level, such as legal frameworks and policies and programs regarding "early and forced marriage of children" are as follows:*

The National Authority for the Convention on the Rights of the Child, with the participation of all executive and judicial bodies related to the rights of the child, conducts a comprehensive study and examines the strengths and weaknesses of the situation of children's rights in the country. Benefiting from the valuable experiences of recent years in this field, for the first time, this Authority has prepared a "comprehensive action plan" by outlining the type of mission, vision, major goals and strategies in accordance with the existing capacities in governmental and non-governmental organizations. Having worked with partners and after the division of strategies into plans and activities, it has put its ten-year roadmap on the agenda since 2016 after being approved by the Coordination Council of the National Authority for the Convention on the Rights of the Child in 2015 and serving all relevant agencies. Among the items in this program, addressing "early and forced marriage of girls" is as follows:

* Code P-3-1: Protection of children at risk and injured; This is to promote the protection of children with the cooperation of welfare organizations, the Ministry of Health, Treatment and Medical Education, the Ministry of Education, the Judiciary, non-governmental organizations and the Ministry of Labor Cooperation and Social Welfare (Deputy Minister of Social Welfare).
* Code P-3-4: Development of social health indicators for children (6-18 years old); This is to promote the protection of high-risk and high-risk children in cooperation with the Ministry of Health, Treatment and Medical Education, the Ministry of Labor Cooperation and Social Welfare, the Welfare Organization, other relevant government institutions, scientific centers and non-governmental organizations
* Code T-2-1: Production and broadcasting of educational programs with the approach of ending harmful customs and procedures towards children and promoting positive customs and procedures towards them in cooperation with the Radio and Television Organization, Ministry Islamic Culture and Guidance, National Authority for the Convention on the Rights of the Child, Vice President for Women and Family Affairs, Office of Women's Affairs of the Ministry of Interior, Scientific Centers, Cultural and Artistic Centers and Non-Governmental Institutions.

The following measures have been taken to use the international and regional mechanism for "early and forced marriage of children":

* Fulfilling the Convention-based obligations of the Islamic Republic of Iran in the field of child rights, including submitting a report on the implementation of the Optional Protocol to the Convention on the Rights of the Child on trafficking, prostitution and pornography to the Committee on the Rights of the Child and compiling the fifth and sixth annual reports to be submitted by the National Authority to the UN Committee on the Rights of the Child.
* *Conducting a comparative study on the definition of a child and the distinguishing criteria of childhood and adulthood with emphasis on the age of criminal responsibility and the age of marriage of the child*: In line with the joint cooperation program of the National Authority and UNICEF, with the aim of reviewing the concepts of the child, the minimum age of criminal responsibility, the minimum age of marriage in the laws and regulations of Iran and at least three other Islamic countries and providing practical proposals to amend them based on the principle of non-discrimination
* Following the joint activities of the National Authority and UNICEF, the definition and development of child rights indicators can be put on the agenda as "guidelines" or "roadmaps" in order to create the necessary conditions for action of agencies responsible for monitoring and overseeing children's rights. It will eventually make the rights of children measurable.

The concrete measures taken to ensure the convergence of the human rights approach in the judicial process against early and forced child marriage are as follows:

* In countries with different climates and cultures, local communities differ in their age of marriage; For example, some European countries have agreed to marry under the age of 18. In this regard, it should be noted that according to the custom of nomads and some villages, many cases of marriage at a young age are free of consummation and performance of conjugal duties is postponed to older ages. It should be noted that the main part of the statistics of young marriages takes place in this cultural and customary framework. At the same time, the judiciary systematically monitors this category of marriages in accordance with the law.
* According to reports received from the provinces to the National Authority, several measures have been taken in the country regarding early and forced marriage. For example, in Golestan province, forced and inappropriate marriage of children, especially girls, is followed up by filing lawsuits, holding dispute resolution sessions, providing psychological and religious counseling, social working interventions, and judicial proceedings.