

**Special Rapporteur on violence against women, its causes and consequences**  
**E/CN.4/2006/61/Add.3 para 72 (c)**

**Full recommendation:**

*With a view to the adoption and observation of international human rights standards the Special Rapporteur recommends that the Government: Ensure full respect for all human rights, as guaranteed in international human rights treaties ratified by Iran, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which, inter alia, guarantee the right to non-discrimination based on sex.*

**Assessment using Impact Iran human rights indicators<sup>1</sup>**

Article 3 of the Constitution of the Islamic Republic of Iran stipulates that the State has a duty to work towards “the abolition of all forms of undesirable discrimination and the provision of equitable opportunities for all, in both the material and the intellectual spheres.”<sup>2</sup> Article 20 guarantees that all citizens of Iran, men and women, enjoy the equal protection of the law and of rights, “in conformity with the Islamic criteria.” Article 21 emphasizes that “the government must ensure the rights of women in all respects, in conformity with Islamic criteria”. According to Article 4 of the Constitution, the Guardian Council of the Islamic Republic of Iran is entrusted with defining and determining the framework of what constitutes the “Islamic criteria” or standards. Among the 12 non-elected members of the Guardian Council, only the six male clerics directly appointed by the Supreme Leader are responsible for such task. While the aforementioned provisions supposedly safeguard the human rights of women and protect them from discrimination, such legal guarantees only exist as long as they are in conformity with “Islamic criteria.” The opportunity for interpretation allowed under the qualifications such as “in conformity with Islamic criteria” has often resulted in provisions that discriminate or have a discriminatory impact on various grounds, including gender.

The Iranian Islamic Penal Code (2013) is largely based on the Government’s interpretation of Islamic *Sharia* precepts and contains provisions which directly discriminate between girls and boys under the criminal justice system. One of the most telling examples is the age of criminal responsibility, which is set at nine lunar years for girls (equivalent to eight years, nine months) and fifteen lunar years for boys (equivalent of fourteen years, seven months).<sup>3</sup>

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<sup>1</sup> CCPR.2.3.S.1; CCPR.3.1.S.1; CCPR.3.1.S.4; CCPR.16.1.S.1; CCPR.23.2.S.1; CCPR.23.4.S.1; CCPR.23.3.S.1; CRC.8.1.S.1; ESCR.2.2.S.1; ESCR.6.1.S.1; ESCR.6.1.S.3; CCPR.3.1.P.3; CCPR.16.1.P.1; CCPR.23.2.P.1; CCPR.2.3.P.1; CCPR.23.3.P.1; ESCR.2.2.P.3; ESCR.6.1.P.1; CCPR.2.3.O.4; CCPR.3.1.O.4; CCPR.23.3.O.1; CRC.8.1.O.2; CCPR.2.1.O.1; ESCR.6.1.O.2

<sup>2</sup> Constitution of the Islamic Republic of Iran, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

<sup>3</sup> Criminal responsibility, Articles 140, 146 and 147 of the Islamic Penal Code, 2013 <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

Additionally, a large number of provisions under the Iranian Civil Code are discriminatory towards women. These provisions notably include the legal age of marriage,<sup>4</sup> the share of inheritance,<sup>5</sup> and the right to divorce.<sup>6</sup> In marriage, the Civil Code provides rights to the husband over those of the wife,<sup>7</sup> notably by establishing that the position of the ‘head of the family’ is the exclusive prerogative of the husband. Under Iranian law, the husband is entitled to control aspects of his wife’s life<sup>8</sup> and demand that she performs her ‘duties’.<sup>9</sup>

Although not limiting the discriminatory legal framework described above, the Government has engaged in steps addressing the status of women with regards to the right to work in the Islamic Republic of Iran. The Supreme Administrative Council reportedly decided to require the Government to allocate 30% of the managerial positions to women. Additionally, the Deputy-President for women and family affairs has drafted a document on the promotion of the status of women and the family through identifying the indicators of gender balance, and consultation with the civil society. The Government also established a National Task Force on the Empowerment of Female Heads of Households in the field of development of employment and entrepreneurship. The Government reportedly increased the quota of women in recruitment of government departments and launched the Women's Business Development and Acceleration Center which is aimed at “strengthening rural women's associations and cooperation” as well as “entrepreneurship development for women”.<sup>10</sup> There is no readily available information as to what extent these measures have been effective. In fact, recent statistics suggest otherwise: a recent World Bank study ranked Iran fourth lowest in its 2019 Women, Business and the Law index,<sup>11</sup> and according to the Government’s statistics published in 2018, female economic participation stood at 15.9 per cent for women, compared to 64.1 per cent for men, one of the lowest rates in the world.<sup>12</sup>

Additionally, during its last Universal Periodic Review (November 2019) the Government of the Islamic Republic of Iran reported the upcoming adoption of the Act on Protection, Dignity and Security of Women against Violence, that will be “aimed at criminalizing new forms of assault, harassment and violations of the rights of women and adopting preventive and support measures to stop violence against women.”<sup>13</sup> In January 2020, the U.N. Secretary General expressed

<sup>4</sup> Article 1041, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

<sup>5</sup> Articles 861 to 948, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

<sup>6</sup> Article 1133, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

<sup>7</sup> Articles 1102 to 1119, 1133 to 1142, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

<sup>8</sup> For instance, under Article 1117 of the Civil Code of the Islamic Republic of Iran “The husband can prevent his wife from occupations or technical work which is incompatible with the family interests or the dignity of himself or his wife.” <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

<sup>9</sup> Article 1108, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

<sup>10</sup> UPR 2019, National Report, Islamic Republic of Iran, <https://undocs.org/A/HRC/WG.6/34/IRN/1>

<sup>11</sup> World Bank, Women, Business and the Law 2019: A Decade of Reform, May 2019, p.9

<sup>12</sup> Statistical Centre of Iran, *Natayej-e-Amar giri-ye- nirou-ye-kaar, Paeiz-e-1396* [Results of the census on workforce, Autumn of 1396], <https://bit.ly/330NG8t>

<sup>13</sup> Universal Periodic Review, Iran, 2019, <https://undocs.org/A/HRC/43/12>

concerns about the slow progress of the bill, which has been under review since 2010<sup>14</sup> and as of February 2021 is under the review of the Iranian Parliament.<sup>15</sup> The draft bill will then need to be vetted by the Guardian Council. The Secretary General also noted that “critical articles were reportedly removed from the initial proposal of the Executive, including provisions protecting women from various forms of violence and criminalizing domestic violence.”<sup>16</sup><sup>17</sup> As of early February 2021, the available draft of the law<sup>18</sup> suggests that the text may be insufficient to protect women in Iran from discriminations and violence. Even though the draft law may bring positive developments, it will remain limited by the Civil Code<sup>19</sup>, the Family Law<sup>20</sup>, and the Islamic Penal Code<sup>21</sup>, which contain provisions effectively discriminating against women and fail to protect them adequately from violence.<sup>22</sup> In November 2019, the Islamic Republic of Iran rejected States’ UPR recommendations asking for the criminalization of domestic violence and marital rape.<sup>23</sup>

Structural discriminations deeply entrenched in the Iranian legal system ultimately translate to widespread discrimination against women, in all aspects of their lives.<sup>24</sup> There are a number of mechanisms where Iranian citizens can report violations of their rights in the Islamic Republic of Iran, including the Article 90 Commission of the parliament,<sup>25</sup> or Oversight Bodies for the exercise of Citizenship Rights in the country's provincial courts.<sup>26</sup> However and as aforementioned, gender discrimination is inherent to the Iranian legal framework. Consequently, there is little opportunity for one’s complaint in that matter to be adequately addressed and properly adjudicated in compliance with international standards. There is no independent National Human Rights Institution to receive complaints from children, including girls, in the Islamic Republic of Iran. With regards to illegal acts of violence against women under Iranian law, there is no readily available information that might suggest that complaints are adequately addressed, investigated and adjudicated.

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<sup>14</sup> Ceasefire Centre for Civilian Rights, Centre for Supporters of Human Rights and Minority Rights Group International September 2019, <https://www.justice.gov/eoir/page/file/1203136/download>

<sup>15</sup> New York Times, <https://www.nytimes.com/2021/01/05/world/middleeast/iran-sexual-violence-metoo-women.html>

<sup>16</sup> Report of the Secretary General, Situation of human rights in the Islamic Republic of Iran, 2020, [https://www.ohchr.org/Documents/Countries/IR/Report of the Secretary-General on the situation of human rights in the Islamic Republic of IranA4320.pdf](https://www.ohchr.org/Documents/Countries/IR/Report_of_the_Secretary-General_on_the_situation_of_human_rights_in_the_Islamic_Republic_of_IranA4320.pdf)

<sup>17</sup> See Radio Farda <https://en.radiofarda.com/a/new-watered-down-draft-law-on-violence-against-women-iniran/30173089.html>; and ISNA [www.isna.ir/news/98071612729/](http://www.isna.ir/news/98071612729/) (in Farsi).

<sup>18</sup> <https://shenasname.ir/laws/7023>

<sup>19</sup> The Civil Code: <<https://shenasname.ir/laws/6664>>

<sup>20</sup> The Family Law: <<https://shenasname.ir/subjects/family/1470>>

<sup>21</sup> The Islamic Penal Code: <<https://shenasname.ir/subjects/salamat/1571-mojazat92>>

<sup>22</sup> This information is up-to-date and accurate as of early February 2021. For more up to date information on the passage of this bill, please click the following link: <http://www.impactiran.org/vawbill>

<sup>23</sup> Recommendations 26.253, 26.254, Universal Periodic Review, Iran, 2019, <https://undocs.org/en/A/HRC/43/12/Add.1>

<sup>24</sup> See more: Minority Rights, [https://minorityrights.org/wp-content/uploads/2019/09/MRG\\_CFR\\_Iran\\_EN\\_Sept191.pdf](https://minorityrights.org/wp-content/uploads/2019/09/MRG_CFR_Iran_EN_Sept191.pdf)

<sup>25</sup> The Article 90 Commission was established to receive the citizens' complaints against government institutions and has the responsibility to review them and transmit cases for judicial procedure accordingly.

<sup>26</sup> These committees have the responsibility to oversee the strict implementation of the "Law on Respect for Legitimate Freedoms and Civil Rights"

The status of women in the Islamic Republic of Iran is far from complying with international standards as set under Article 2, 3 and 23 of the ICCPR and women do not enjoy equal rights and freedoms. Reportedly, Ali Khamenei, the current Supreme Leader, has called gender equality ‘one of the biggest mistakes of Western thought’.<sup>27</sup> This might well suggest that the Islamic Republic of Iran is not currently considering taking steps to address the structural and institutionalized discrimination against women in the Islamic Republic of Iran. Even though The Government engaged in limited steps to enhance the limited protection of women’s rights in Iran, these measures have yet to bear their fruits and ultimately do not address the unequal status of women under Iranian law. In effect, the equal enjoyment of rights and freedoms for women in the Islamic Republic of Iran is not guaranteed.<sup>28</sup>

**Recommendation Status:**

This recommendation has **NOT** been implemented.

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<sup>27</sup> Minority Rights, [https://minorityrights.org/wp-content/uploads/2019/09/MRG\\_CFR\\_Iran\\_EN\\_Sept191.pdf](https://minorityrights.org/wp-content/uploads/2019/09/MRG_CFR_Iran_EN_Sept191.pdf)

<sup>28</sup> See more: Minority Rights, [https://minorityrights.org/wp-content/uploads/2019/09/MRG\\_CFR\\_Iran\\_EN\\_Sept191.pdf](https://minorityrights.org/wp-content/uploads/2019/09/MRG_CFR_Iran_EN_Sept191.pdf)