

Special Rapporteur on violence against women, its causes and consequences E/CN.4/2006/61/Add.3 para 75 (c)

Full recommendation:

In order to promote and support the empowerment of women in all spheres of life, it is recommended that the Government: Provide special programmes for women from minority groups who suffer multiple forms of discrimination.

Assessment using Impact Iran human rights indicators¹

Article 3 of the Constitution of the Islamic Republic of Iran (“Iran”) stipulates that it is a duty of the State 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.”² 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 Iran is entrusted with defining and determining the framework for what specifically constitutes these so-called “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 this task. While the aforementioned constitutional provisions supposedly safeguard the rights of women, including protection from discrimination, such legal guarantees only exist as long as they are in conformity with “Islamic criteria.” The scope for interpretation under the qualifications within the Constitution such as “in conformity with Islamic criteria” has often resulted in provisions that discriminate based on various protected 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 to fourteen years, seven months).³

Additionally, a large number of provisions under the Iranian Civil Code are discriminatory towards women and girls based on their gender. These provisions notably include the legal age of

¹ CCPR.2.1.S.1; CCPR.26.1.S.1; CCPR.27.1.S.1; CCPR.2.1.P.2; CCPR.26.1.P.1; CCPR.27.2.P.1; CCPR.2.2.O.2; CCPR.27.2.O.2

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

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

marriage,⁴ the share of inheritance,⁵ and the right to divorce.⁶ Within the marriage relationship, the Civil Code provides rights to the husband over those of the wife,⁷ such as stating 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 daily aspects of his wife’s life⁸ and demand that she performs her “duties”.⁹

Women and girls from religious and ethnic minorities face multiple or intersecting forms of discriminations under the Iranian legal system, on the basis of their gender, ethnicity, religion or belief and other protected grounds under international human rights law. Many features of Iran’s domestic laws result in discrimination against *Shia* Muslims, and other Muslim and non-Muslim minorities.¹⁰ An absence of legal safeguards enables the Iranian authorities to restrict the rights of members belonging to religious or belief minorities and even to criminalize a wide range of their peaceful activities in manifesting their religion or belief. Reports have found that religious or belief minorities in Iran have faced widespread and severe human rights violations on the basis of their religious or ethnic identity, such as (i) arbitrary deprivation of life including extrajudicial executions; (ii) a disproportionate number of executions on national security-related charges; (iii) arbitrary arrests and detention in connection with range of peaceful activities; (iv) incitement to hatred; (v) discriminatory practices within the employment sector, including forced closure of businesses and denial of employment; and (vi) restrictions on access to education and other basic services.¹¹

While the rights of members of ethnic minorities are protected under the Constitution of the Iran,¹² Arabs, Azerbaijani Turks, Balochis and Kurds often experience discrimination on the basis of their ethnic identity and are generally sidelined from access to key public services, including education and health care sectors.¹³ Furthermore, provinces in Iran that are predominantly inhabited by ethnic minorities, such as Khuzestan with its Awhazi Arab majority, or Sistan and Baluchestan

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

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

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

⁷ 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/>

⁸ 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/>

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

¹⁰ Joint submission to the Human Rights Committee from All Human Rights for All in Iran, Association for Human Rights in Kurdistan – Geneva, Association for the Human Rights of the Azerbaijani People in Iran, Iran Human Rights Documentation Center, OutRight International, Siamak Pourzand Foundation, Small Media, Impact Iran, 2020, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf

¹¹ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 18 July 2019, <https://undocs.org/Home/Mobile?FinalSymbol=A%2F74%2F188&Language=E&DeviceType=Desktop>

¹² Article 19, Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

¹³ Joint submission to the Human Rights Committee from All Human Rights for All in Iran, Association for Human Rights in Kurdistan – Geneva, Association for the Human Rights of the Azerbaijani People in Iran, Iran Human Rights Documentation Center, OutRight International, Siamak Pourzand Foundation, Small Media, Impact Iran, 2020, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf

with its Balochi majority, are generally underdeveloped with a significant part of their population living under the poverty line.¹⁴ Civil society has reported a pattern of arrests, detention and prosecution disproportionately targeting members of ethnic minority or other marginalized groups in attempting to exercise their rights to freedom of expression, association and assembly.¹⁵ In 2018, prison data revealed that at least three quarters of Iran's political prisoners are from ethnic minorities.¹⁶ Ethnic minorities, especially Kurds and Balochis, are also over-represented in death penalty statistics.

Structural discriminations deeply entrenched in the Iranian legal system frequently translate into widespread discrimination against women, especially women from ethnic and religious minorities, in many aspects of their daily lives.¹⁷ There are a number of domestic mechanisms where Iranian citizens can report violations of their rights, including the Article 90 Commission of the parliament,¹⁸ or Oversight Bodies for the exercise of Citizenship Rights in the country's provincial courts.¹⁹ However, as previously mentioned, gender discrimination is embedded within the Iranian legal framework. Consequently, one's complaint may not be adequately addressed and properly adjudicated in compliance with due process and international human rights standards. There is also no independent National Human Rights Institution to receive complaints from children, including girls, in 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.

The Government of Iran has engaged in various programmes designed to provide support to women living in rural areas, thereby including provinces predominantly inhabited by ethnic and religious minorities.²⁰ However, there is no readily available information that might indicate (i) whether such domestic programmes or any others are aimed at women who belong to ethnic or

¹⁴ Minority Groups, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

¹⁵ Center for Human Rights in Iran, <https://www.iranhumanrights.org/2021/03/deaths-rising-in-sistan-and-baluchistan-as-unrest-continues-amid-internet-shutdown/>. See also Association for the human rights of the Azerbaijani people in Iran, <http://www.ahraz.org/association-for-the-human-rights-of-the-azerbaijani-people-in-iran-ahrazs-repot-regarding-the-current-situation-of-the-azerbaijani-arrestees-that-are-arrested-during-the-recent-protests-nove/>; Kurdistan Human Rights Geneva, <https://kmmk-ge.org/sd/annual-report-2020/>; United For Iran, <https://ipa.united4iran.org/en/prisoner/>; Center for Human Rights in Iran, <https://iranhumanrights.org/2020/10/more-bahais-begin-serving-prison-sentences-in-iran-simply-for-their-beliefs/>; and Joint submission to the Human Rights Committee from All Human Rights for All in Iran, Association for Human Rights in Kurdistan – Geneva, Association for the Human Rights of the Azerbaijani People in Iran, Iran Human Rights Documentation Center, OutRight International, Siamak Pourzand Foundation, Small Media, Impact Iran, 2020, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf

¹⁶ Minority Groups, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

¹⁷ See also Minority Rights, https://minorityrights.org/wp-content/uploads/2019/09/MRG_CFR_Iran_EN_Sept191.pdf

¹⁸ 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.

¹⁹ These committees have the responsibility to oversee the strict implementation of the "Law on Respect for Legitimate Freedoms and Civil Rights"

²⁰ <https://www.imna.ir/news/390245/>. See also <https://www.imna.ir/news/441104/>; <https://www.imna.ir/news/390245/>; and National Report, Islamic Republic of Iran, UPR 2019, <https://undocs.org/A/HRC/WG.6/34/IRN/1>

religious minorities in Iran specifically; or (ii) the implementation and impact of such programmes.

Recommendation Status:

This recommendation has **NOT** been implemented.