

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

Full recommendation:

In order to promote and support the empowerment of women in all spheres of life, it is recommended that the Government: Ensure that women enjoy full freedom and rights to become equal partners in decision-making in the home, at work and in society at large.

Assessment using Impact Iran human rights indicators¹

A. It is recommended that the Government ensures that women fully enjoy full freedom and rights to become equal partners in decision making in the home

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 of what constitutes these “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 constitutional provisions ostensibly safeguard the rights of women and protect them from gender-based discrimination, such legal guarantees only exist as long as they are in conformity with “Islamic criteria.” The scope for interpretation allowed under qualifications, such as “in conformity with Islamic criteria,” has often resulted in provisions that discriminate on various grounds, including gender.

The Iranian Islamic Penal Code (2013) is largely based on the Iranian 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).³

¹ CCPR.3.1.S.1; CCPR.3.1.S.3; CCPR.12.2.S.1; CCPR.23.1.S.1; CCPR.23.3.S.1; CCPR.23.4.S.1; CCPR.3.1.P.1; CCPR.12.2.P.1; CCPR.23.1.P.1; CCPR.23.3.P.1; CCPR.23.4.P.1; CCPR.23.1.O.1; CCPR.23.3.O.1; CCPR.23.4.O.1; CCPR.3.1.O.1; CCPR.3.1.O.3

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

³ Articles 140, 146 and 147, Islamic Penal Code, <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 discriminate against women and girls on the basis of their gender. These provisions notably include the legal age of marriage,⁴ the share of inheritance,⁵ and the right to divorce.⁶ In the marriage relationship, the Civil Code provides rights to the husband over those of the wife,⁷ such as 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 life⁸ and demand that she performs her “duties”.⁹ The husband can legally restrict his wife’s right to movement.^{10 11}

Men also have a unilateral right to divorce their spouse, while women can only apply for divorce in limited circumstances, including situations where their husband is addicted to drugs, imprisoned, refuses to support the family financially¹² or subjects his wife to “intolerable hardship.”¹³ Recently, however, the government has drafted a bill titled “Limitation of the Right of Men to divorce” that would restrict the “absolute right to divorce” of men and impose certain conditions and restrictions. As of March 2021, the bill is in the very early stages and is being considered by the Internal Commission. However, this bill is considered unlikely to be approved by the Guardian Council and become law.¹⁴ It should further be noted that the bill was introduced to limit the number of divorces and “maintain the family unit” rather than to address discrimination on the basis of gender of the right to divorce.

B. It is recommended that the Government ensures that women enjoy full freedom and rights to become equal partners in decision making at work

With regards to women’s right to work, a husband can prevent his spouse from pursuing an occupation which he believes to be against family values or harmful to his or her reputation.¹⁵ There is no law prohibiting an employer from seeking a husband’s permission for a woman to work, and employers have reportedly required engaged or married women to provide a written statement of permission from their husbands in order to be hired.¹⁶ A number of provisions under

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 Article 1117, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

¹¹ The Passport Law: <https://rc.majlis.ir/fa/law/show/96904>

¹² Articles 1119, 1129, 1130 and 1133, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

¹³ Articles 1130 and 1133, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

¹⁴ The Ten-Year Division for Divorce in Court (2019), <https://bit.ly/3vzaZo8>

¹⁵ Article 1117, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

¹⁶ Human Rights Watch, ‘It’s A Men’s Club’: Discrimination against Women in Iran’s Labour Market, May 2017

Iranian labour laws protect the right to work without discrimination,¹⁷ yet forbid women from being employed in “dangerous, arduous or harmful work”.¹⁸ Women cannot be employed in certain positions in the Government or Judiciary, including where women are barred from serving as judges in the courts.¹⁹ Job benefits, such as social security and health insurance, family bonuses or paid overtime, inhere to the man.^{20,21} Additionally, Iranian labour laws do not provide legal safeguards against discrimination within the hiring process.

There is a mechanism, falling under Ministry of Labour oversight, that is tasked with receiving and analysing complaints related to labour standards. Yet there is no readily available information with regards to the number of complaints received of gender-based discrimination when accessing employment or within the workplace, or whether such complaints have been addressed. While there are no official and readily available reports of cases of discrimination within the workplace in Iran, in practice, non-discrimination provisions reportedly fail to be enforced.²² Reports of women facing discrimination, sexual harassment and assault, notably in the workplace, have gained more visibility in recent times, including on social media in Iran.^{23,24}

Although it has not addressed the discriminatory nature of its domestic legal framework as described above, the Government engaged in several actions to address women’s access to employment in Iran. By the order of President Rouhani, the Supreme Administrative Council reportedly has decided to allocate 30% of the managerial positions to Iranian women. The Government also established a National Task Force on the Empowerment of Female Heads of Households, in the field of developing employment and entrepreneurship, 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”.²⁵ Out of the 41 million Iranian population of women and girls,²⁶ the Government has reported that 4,000 individuals are “active female entrepreneurs”.²⁷ According to the Government, women’s economic participation rate domestically “has risen from 12.4% in 2013 to 16.4% in 2018”.²⁸ Other governmental statistics published in 2018 reportedly indicated that female economic participation stood at 15.9%.²⁹ Nonetheless, such rates of female economic participation rank amongst some of the lowest in the world. In the World Economic Forum’s Global Gender Gap Report in 2017, Iran

¹⁷ Including Article 6, Iranian Labour Code, <https://shenasname.ir/laws/kar/1017>

¹⁸ Articles 6 and 75, Iranian Labour Code

¹⁹ Regulations for the appointment of judges of the country: <http://rooznamehrasmi.ir/Laws/ShowLaw.aspx?Code=927>

²⁰ 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/>

²¹ Article 58, Social Security Act, <https://shenasname.ir/laws/tamin/1024>

²² Human Rights Watch, <https://www.hrw.org/report/2017/05/25/its-mens-club/discrimination-against-women-irans-job-market>

²³ BBC, <https://www.bbc.com/news/blogs-trending-35535269>

²⁴ Al Jazeera, <https://www.aljazeera.com/news/2020/9/22/iranians-break-taboos-with-their-own-version-of-metoo>; and Human Rights Watch, <https://www.hrw.org/news/2020/09/09/iran-having-its-metoo-moment>

²⁵ UPR 2019, National Report, Islamic Republic of Iran, <https://undocs.org/A/HRC/WG.6/34/IRN/1>

²⁶ World Bank, 2019, <https://data.worldbank.org/indicator/SP.POP.TOTL.FE.IN?locations=IR>

²⁷ UPR 2019, National Report, Islamic Republic of Iran, <https://undocs.org/A/HRC/WG.6/34/IRN/1>

²⁸ UPR 2019, National Report, Islamic Republic of Iran, <https://undocs.org/A/HRC/WG.6/34/IRN/1>

²⁹ Statistical Centre of Iran, <https://bit.ly/330NG8t>

was ranked 140 out of 144 countries assessed.³⁰ Similarly, a World Bank study has ranked Iran fourth lowest in its 2019 Women, Business and the Law index.³¹ Unsurprisingly, unemployment is more prevalent among women compared to men in Iran.³²

There are no reports that indicate the existence of effective State-sponsored campaigns aimed at helping employers and workers to identify discrimination and promote gender equality in Iranian workplaces. Iran has not amended its laws that violate women's right to work, as well as their right to be free from discrimination in the workplace and in the hiring process.

C. It is recommended that the Government ensures that women enjoy full freedom and rights to become equal partners in decision-making in society at large

Women have a limited presence within decision-making bodies in Iran. Women are completely prohibited from holding the position of Supreme Leader. Candidates for the presidency in Iran must be what the constitution refers to as *Rajol-E- Siasi* ("political men").³³ Though many argue that the phrase as a whole could be understood as "political persons," without a specification as to gender, the Guardian Council of the Constitution, a body of Islamic jurists responsible for vetting candidates for elections, has never approved a female candidate to stand in presidential elections or elections to the Assembly of Experts.³⁴

Additionally, no woman has ever served on the Guardian Council (the body mandated to bring parliamentary resolutions in line with *Shari'a* and the Constitution and to oversee elections and vet candidates),³⁵ nor on the Expediency Council (the body which serves as the Supreme Leader's advisory arm, formulating "general policies for the state" and overseeing the implementation of those policies on the behalf of the Supreme Leader).³⁶ There are no legal limits laws on the ability of women to vote or become a candidate for parliament or the City and Village Councils. However, the Guardian Council is known to arbitrarily disqualify women candidates from running for election. For example, in the run-up to the 2020 elections, the Guardian Council reportedly disqualified 60 percent of female candidates. Election law has designated the Guardian Council as the arbitrator of complaints related to the election process or candidate vetting, which itself is the body responsible for the impugned decisions.

³⁰ World Economic Forum, Global Gender Gap Report 2017, <https://www.weforum.org/reports/the-global-gender-gap-report-2017>

³¹ World Bank, Women, Business and the Law 2019: A Decade of Reform, May 2019, <https://openknowledge.worldbank.org/bitstream/handle/10986/31327/WBL2019.pdf>

³² Statistics Center of Iran <https://www.amar.org.ir/Portals/1/releases/lfs/LFS_1397.pdf>

³³ Article 115, Constitution of Iran.

³⁴ The council that should choose the Supreme Leader and its mandate is to monitor him.

³⁵ In addition, the Guardian Council is responsible for overseeing elections and vetting candidates.

³⁶ The body, whose members are all appointed by the Supreme Leader, was initially established as an arbitration body between parliament and the Guardian Council.

There are currently no female ministers serving in the Government's cabinet. No provincial governors are women. The Government recently appointed three women as "county governor" out of 430 such positions across the country.³⁷ The Government also appointed women to 13 out of 1,058 district governors, mostly in small provinces across the country. Women currently occupy only 5.8 percent (16 out of 290) of parliamentary seats in the new parliament, which was elected in February 2020.³⁸ Despite these positive if gradual steps, the aforementioned structural and institutionalized obstacles still result in widespread gender-based discrimination in practice, limiting the access of women to political life.³⁹

Structural discriminations deeply entrenched in the Iranian legal system often translate into widespread and daily discrimination against women, in many aspects of their lives.⁴⁰ There are a number of mechanisms where Iranian citizens can report violations of their rights in Iran, including before the Article 90 Commission of the parliament,⁴¹ or Oversight Bodies for the exercise of Citizenship Rights in the country's provincial courts.⁴² However, given the discriminatory nature of much of the Iranian legal framework, there is little opportunity for one's complaint to be adequately addressed and properly adjudicated in compliance with due process and international human rights standards. Moreover, there is 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.

Recommendation Status:

This recommendation has **NOT** been implemented.

³⁷ Executive rankings at the provincial level: 1) Governor, 2) County Governor, 3) District Governor, 4) Village President.

³⁸ See more: All Human Rights for All in Iran, Association for Human Rights in Kurdistan – Geneva (KMMK-G) Association for the Human Rights Of The Azerbaijani People In Iran (AHRAZ), Iran Human Rights Documentation Center (IHRDC), OutRight International, Siamak Pourzand Foundation, Small Media, Impact Iran, Submission to the Human Rights Committee, 129th session, 2020, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf

³⁹ Minority Rights Group, https://minorityrights.org/wp-content/uploads/2019/09/MRG_CFR_Iran_EN_Sept191.pdf

⁴⁰ See also Minority Rights Group, https://minorityrights.org/wp-content/uploads/2019/09/MRG_CFR_Iran_EN_Sept191.pdf

⁴¹ 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.

⁴² These committees have the responsibility to oversee the strict implementation of the "Law on Respect for Legitimate Freedoms and Civil Rights"